THE GREAT CASE OF TITHES

Truly Stated, Clearly Open'd,
And fully Resolv'd.

BY

ANTHONY PEARSON,
Formerly
A Justice of Peace
In WESTMORLAND.

With an APPENDIX.

The SEVENTH EDITION.

LONDON:
Printed and Sold by LUKE HINDE, at the Bible
in *George-yard, Lombard-street,* 1762.

BRITISH MUSEUM

A PREMONITION TO THE READER.

THE enſuing Treatiſe was firſt publiſh'd about the Year 1657, and ſo well accepted, that within about two Years time it paſſed three Editions.

The Author, a zealous Proteſtant and Lover of Liberty, was excited to write on this Subject, by the numerous Complaints of the People, at that Time labouring under ſevere Proſecutions for Tithes.

For altho' the Power and Juriſdiction of the eccleſiaſtical Courts, to which Proſecutions for Tithes were limited, by an Act made in the 32d Year of King *Henry* the 8th, had been taken away, and the Biſhops and their Clergy removed; yet the ſucceeding Preachers, equally mindful of their own Intereſt, ſoon obtained an Order of Parliament for ſettling themſelves *pro tempore*, dated the 2d of *October* 1644, and an Ordinance for Tithes, dated the 8th of *November* following; under the heavy Burden of which, the People in vain continued to

expreſs great Uneaſineſs: For when ſeveral Years after, upon *Cromwell*'s being made Protector, one of the Articles of Government, by him ſworn to and ſubſcribed, did expreſs, that *as ſoon as may be, a Proviſion leſs ſubject to Scruple and Contention, and more certain than the preſent, be made for the Encouragement and Maintenance of able and painful Teachers,* a Clauſe was inſerted therein, that *until ſuch Proviſion be made, the preſent Maintenance* [*viz.* by Tithes] *ſhall not be taken away nor impeached.* By which Clauſe, the Preachers, ſecure of the Continuance of the old Pay, ſat down at Eaſe, proſecuting ſuch as refuſed to pay them Tithes, both in the Courts at *Weſtminſter*, and before the Juſtices of the Peace in the Country, with ſuch extreme Severity, that our Author has taken a particular Notice of it, and pathetically deſcribed ſome of their unmerciful Exactions, pag. 52.

After he has given an Extract, or ſhort Hiſtory of Tithes, from the firſt Appointment of them by the Law of *Moſes*, taken chiefly from the Hiſtory of Tithes by the learned Antiquary *John Selden*, he then conſiders the ſeveral Claims made to them; as firſt, *By divine Right*; ſecondly, *By the Gifts of Kings and Princes*; thirdly, *By the Laws of Kings and Parliaments*; fourthly, *By particular Gifts, Appropriations, Conſecration, and Donation of the Owners of the Land*; fifthly, *By Preſcription and legal Poſſeſſion*; ſixthly, *By Purchaſe.* To the

the Arguments for each of which Claims he returns a particular Anſwer. But,

As the Author has not been ſo full in his Remarks on *Impropriate Tithes*, nor ſo copious in his Anſwers to the Arguments of thoſe who plead for the *divine Right of Tithes*, as he might have been, for which latter he gives this Reaſon; *Tho' divine Right*, ſays he, *hath been long pretended, few are now left who will only ſtand to it, and the generality, both of Lawyers, Prieſts and People, are of a contrary Mind*, pag. 38. Wherefore, as the concurrent Sentiments and Reaſoning of Authors, of divers Denominations and in different Periods of time, contribute to eſtabliſh the ſame Teſtimony, we have thought proper to annex by way of *Appendix*,

1*ſt.* A Diſcourſe of *Impropriate Tithes*, written by *Thomas Ellwood.*

2*d.* Reaſons given by *Thomas Bennett*, an Inhabitant of the Pariſh of *Allhallows, Barking, London*, concerning the *unjuſt Exaction of Tithes*, preſented to *Thomas Adams*, Lord Mayor of that City, *Anno* 1645.

3*d.* Some *Arguments* againſt Tithes, extracted from a Treatiſe written by the celebrated *John Milton.* And,

4th. In Concluſion we have added a few Extracts from a Tract, under the Title of *An Anſwer to the Country Parſon's Plea againſt the* Quakers *Tithe-bill, by a Member of the Houſe of Commons*; wherein a pretended legal Property in Tithes, ſo much inſiſted on by ſome of the Clergy, is ſet in a ſtrong Light.

Having laid before the Reader theſe Hints of the Contents of the Work, and the *Appendix* thereto, we ſhall ſubjoin in brief our Inducement for the Republication of both; which is for the Information of the preſent Generation; — that the Youth of our Society, or others into whoſe hands they ſhall fall, may not be ignorant of the Reaſons which at firſt did, and ſtill do, determine us in an inflexible Teſtimony againſt the Payment of Tithes; and they will find it clearly proved, that no Obligation to a contrary Conduct can ariſe from any legal or parliamentary Sanction.

Yet as from this Plea, ſome, not of our Profeſſion, who in other Reſpects make no great Shew of Bigotry, are ſo weak as to urge the Payment of them, and ſome who are of our Profeſſion, under the ſame Conſideration or Pretence, and from the Influence of Example and Perſwaſion, may be induced to pay them; to each of theſe it is neceſſary to ſay a Word or two; for, in regard to the latter, we do not obſerve that our ancient Friends, who wrote on this Subject, have ſaid much directly to ſuch an inconſiſtent Conduct; not apprehending, as we ſuppoſe, the Degeneracy would ever be ſo great as to require it.

And though a *divine Right* to Tithes is by Proteſtants at this time generally diſclaimed, yet it ſtill is upon that Suppoſition the national Law enforces the Payment of them, as the following Sheets abundantly make appear.

We

We are to conſider then, and judge of the Conſiſtence or Inconſiſtence of the Conduct of any Member of our Society in this particular, as we would of the Conduct of any Proteſtant Diſſenter on the Principle of Liberty and Conſcience; who, on pretence of being determined by an outward Law, acts contrary to his own profeſſed Principles. There is a Language, and much ſtronger, in Actions than in Words. Every one who pays Tithes to a national Miniſtry, by that Act, ſeems to declare his Belief that they are, by the Conſtitution of the *Chriſtian* Church, due to that Miniſtry, antecedent to any national Law, and that it is truly and properly a Goſpel-miniſtry, whether of this or any other national Church; becauſe not only the Law by which they are recovered, but the Parſon who claims them, takes all this for granted. For can it be ſuppoſed he will plead a Right to Tithes, without declaring himſelf to have this Right as a Miniſter of Chriſt? From whence this ſhameful Abſurdity undeniably follows, that every Man, under the Profeſſion of *Quakeriſm*, who pays Tithes, either profeſſes what he does not believe, or believes what he does not practiſe. For,

The Baſis of our Religion is the univerſal Manifeſtation and immediate Teaching of the holy Spirit; — from which ariſes a Faith, that all acceptable Worſhip is performed in and under its Influence — that all Goſpel-miniſtry flows from its Emanations; — that this in Veſſels

Veſſels prepared and ſanctified by the divine Hand, is the ſole eſſential Qualification to that Work. That as the Gift is divine, the Service is free, and muſt be faithfully diſcharg'd without any Object of Reward from Man. That Study, Learning or Art, are no eſſential Parts of the Character of a Goſpel-miniſter, nor can any Man be initiated into this Office by human Call or Ordination. A fundamental Article which never can be reconciled to the Payment of Tithes, for the Support of a Worſhip and Miniſtry ſtanding upon another Foundation; unleſs contrary Means, Objects and Ends, can be made to conſtitute the ſame Character. And how much ſoever ſome Mens Underſtandings may be darkened with the Notions of Law and Preſcription, in favour of a pretended Property; as is evident in the Payment of Tithes, yet if we complied with theſe Laws or Preſcriptions, we ſhould vertually acknowledge the Conſiſtency of it with the *Chriſtian* Religion, and that thoſe, to whom they are paid, are the Miniſters of Chriſt, and hereby ſhould intirely give up the Reaſonableneſs of our Plea of ſeparating from that Worſhip and Miniſtry.

A Defection in the leaſt degree, an Innovation in ſome Modes and Ceremonies, which have little or nothing in them moral or divine, but are indifferent in their Nature and Tendency, may not always be a ſufficient Reaſon for a Separation; but whenever a Depravity in Fundamentals, in any Society, is diſcover'd, ſuch

ſuch as their Worſhip and Miniſtry; a Separation, an Attempt for a Reformation, becomes an indiſpenſable Duty; and to concur in the Support of this Worſhip and Miniſtry, after ſuch a Separation, is the greateſt of Contradictions.

Nothing can be weaker, nothing more prepoſterous, than to make the Law of the Land the Rule of Mens Conduct relating to their Worſhip and Religion. A Man who thus would reaſon, and thus would act, has no Religion; knows not what it is. He muſt change his Profeſſion of Religion, if the Laws of the Countries where he came required it, as often as he changed his Climate. He would pay his Devotion to the Virgin *Mary* at *Rome*, to *Mahomet* at *Mecca* or *Medina*, to the *Sun* in *Perſia*, and the *Moon* in ancient *Arabia*.

The Magiſtrate is no more warranted by the Precepts of the Goſpel, to compel me to pay towards the Support and Maintenance of any Religion and Miniſtry, than he has to chuſe a Religion for me. Every thing within the Verge of Religion, or a Part of *Chriſtian* Faith and Worſhip, is out of his Juriſdiction, as he can no more than any other Man, anſwer to God for my doing, or omitting, what in Conſcience I believe is my Duty. It is a Contradiction to that invaluable Bleſſing *Liberty*, in the beſt Senſe of the Word, and to the Idea of a Reformation. Were Men accuſtomed to reaſon with the ſame Clearneſs

and

and diſintereſted Impartiality in divine Things as in natural, they could not but ſee the Truth of our Concluſion in its preſent Application.

And that we are not ſingular in this kind of Reaſoning, may appear from the Inſtance of *John Locke*, who in his firſt Letter concerning Toleration, juſtly diſtinguiſhes *between what is a Part of religious Worſhip, believed to be appointed by God, and what is but a Circumſtance belonging thereto; ſuch as the Time and Place of Worſhip; Habit and Poſture of him that worſhips; which, as God has not given any expreſs Command about them, and being in themſelves perfectly indifferent, may ſometimes be determined by human Prudence, as ſhall be judged moſt ſubſervient to the End of Order and Decency.* But even in this he obſerves, *that thoſe who believe the Firſt, or the Seventh-day to be ſet apart by God, and conſecrated ſtill to his Worſhip, to them that Portion of Time is not a ſimple Circumſtance, but a real Part of divine Worſhip, which can neither be changed nor neglected.* ——

He affirms and proves the following Propoſitions, *viz. That the Magiſtrate's Power extends not to the eſtabliſhing of any Articles of Faith or Forms of Worſhip, by the force of his Laws.* ——

That the End of a religious Society is the publick Worſhip of God, and by means thereof the Acquiſition of eternal Life. All *Diſcipline ought therefore to tend to that End, and* all *eccleſiaſtical*

eccleſiaſtical Laws to be thereunto confined. Nothing ought nor can be tranſacted in this Society, relating to the Poſſeſſion of civil and and worldly Goods. No force is here to be made Uſe of upon any Occaſion whatſoever. ——

That of particular Churches of different Perſwaſions, no one of them has any manner of Juriſdiction over the other, no not even when the civil Magiſtrate comes to be of this or the other Communion. For the civil Government can give no new Right to the Church, nor the Church to the civil Goverment. So that whether the Magiſtrate join himſelf to any Church, or ſeparate from it, the Church remains always as it was before, a free and voluntary Society. It neither requires the Power of the Sword by the Magiſtrates coming to it, nor does it loſe the Right of Inſtruction and Excommunication by his going from it. This is the fundamental and immutable Right of a ſpontaneous Society, that it has Power to remove any of its Members that tranſgreſs the Rules of its Inſtitution : But it cannot, by the Acceſſion of any new Members, acquire any Right of Juriſdiction over thoſe that are not joined with it.

That Excommunication neither does, nor can, deprive the excommunicated Perſon of thoſe civil Goods and Immunities which he formerly poſſeſſed. ——

That no body, in fine, neither ſingle Perſons, nor Churches, nay, nor even Common-wealths, have any juſt Title to invade the civil Rights and worldly Goods of each other, upon Pretence

of

of Religion. — That whence ſoever the Authority of the Clergy ſprung, ſince it is eccleſiaſtical, it ought to be confined within the Bounds of the Church, nor can it in any manner be extended to civil Affairs; becauſe the Church itſelf is a thing abſolutely ſeparate and diſtinct from the Common-wealth. The Boundaries on both Sides are fixed and immoveable. He jumbles Heaven and Earth together, the Things moſt remote and oppoſite, who mixes theſe two Societies, which are in their Original, End, Buſineſs, and in every thing perfectly diſtinct, and infinitely different from each other. ——

That the Magiſtrate cannot take away theſe worldly Things from this Man, or Party, and give them to that; nor change Property amongſt Fellow-ſubjects, (no not even by a Law) for a Cauſe that has no Relation to the End of civil Government; I mean for their Religion. ——

This Reaſoning, although it was calculated in favour of a general Toleration, yet, when applied to the preſent Caſe of Tithes, concludes ſtrongly in our favour. —— But

Not to detain the Reader with too long a *Preface*, nor repeat what is already ſaid, we may juſt remind him; that as in the Nature of the thing, a Precept only, not an Example for the Payment of Tithes, in their preſent Extent, muſt be produced in the New Teſtament, in order to make the Claim good upon a *Chriſtian* Bottom: Such a Precept, or the want of one, muſt determine whether this is, or is not, a Part of the *Chriſtian* Conſtitution.

In

In a matter of ſo great Concern, it were highly abſurd to ſuppoſe, a poſitive Precept would have been omitted by Chriſt, the Founder of our Religion, and his inſpired Followers, if ſuch an Exaction had been deſign'd. That there is no ſuch poſitive Precept in the New Teſtament, is a Truth in fact, and therefore a Negation of this Exaction.

In a Word, neither the Donation of Tithes, nor a Plea for them, for the Service of the Prieſthood only, took place, until a Defection, in more Inſtances than one, from the Purity of the apoſtolick Age, overſpread the *Chriſtian* Church, about the Time of *Conſtantine* the firſt *Chriſtian* Emperor; — that fatal Period, when a Door was opened to transform Religion into a potitical Syſtem; — to incorporate *Chriſtianity* with *Judaiſm* and *Paganiſm*; but we, in demurring to the Payment of Tithes, recur directly to the Ages of *Chriſtian* Purity, before theſe Corruptions were introduced.

We ſay then, whatever ſome Men may think, or however others may act, if the People call'd *Quakers* ſhould at any time ſo far temporize with the Laws and Cuſtoms of the times, as to pay Tithes, or any thing of the Nature of Tithes, they will prefer theſe Laws and Cuſtoms to that which is divine, run retrograde to their own Reformation, and degenerate into that Darkneſs, out of which their Predeceſſors were reſcued by the breaking forth of Goſpel Light.

A practical

A practical Conformity to the Doctrines they had embraced, tho' attended with very great Hardſhips, is one cogent Argument of this People being actuated, in the Beginning, by a truly reforming Principle; of which the *Hiſtory of their Sufferings* will be a laſting Monument. On the contrary, a ſervile Compliance with the Laws and Cuſtoms of the times, a Fear of Suffering; of the Reproach of Obſtinacy or Singularity; has ever greatly obſtructed the Work of Reformation amongſt Diſſenters of moſt Denominations.

We ſhall conclude with obſerving, that, as on one hand, a patient Suffering in a good Cauſe, is highly conſiſtent with *Chriſtian* Fortitude, and cannot paſs unrewarded; ſo on the other, all Severity, all unneceſſary Pains and Penalties, inflicted on ſuch a conſcientious Conduct, evinces the Remains of that perſecuting Spirit, which has made more Havock in the *Chriſtian* Church, than amongſt any other People in the known World.

THE

THE
Author's Preface
TO THE
Great Caſe of TITHES.

To the COUNTRYMEN, FARMERS, *and* HUSBANDMEN *of* ENGLAND.

IT is for your Sakes that this ſmall Treatiſe is ſent abroad, that in a matter wherein you are ſo much concerned, you might be truly informed: And becauſe there are many differing Opinions, and of late Years have been great Diſputes, concerning *the Right of Tithes*, which makes the Caſe ſeem difficult to be reſolved, I have given you the Subſtance of all that ever I could find written, or hear diſcourſed, touching that Point; and for more than two Years laſt paſt, I have made much Enquiry into it; and if there be any who have ſomething to ſay for them, which is not herein touched, or in ſome general

Head comprehended, it ſhall be acceptable to me to receive it.

The Method of the Diſcourſe.

Firſt, *I have begun with* Tithing *among the* Jews, *which, either in Precept or Example, is the Foundation of all others.*

Secondly, *I have given you a ſhort View of the* Doctrines, Opinions, Decrees, *and* Practices *of the primitive Church concerning them, and from thence downward until this Day, which is enough to clear the whole Point.*

Thirdly, *Out of which, having made ſome ſhort Obſervations, I ſtate the* CASE *as it concerns us in* England.

Fourthly, *And then hearing what every one hath to ſay for them, and giving them particular Anſwers,*

Fifthly, *I proceed to ſatisfy ſome great Objections, and ſo conclude the whole, in as much Brevity as the Variety of the Subject would permit.*

A. PEARSON.

THE

THE GREAT CASE OF TITHES, &c.

Of TITHING *amongſt the* JEWS.

GOD having choſen *Aaron* and his Sons for the Office of the Prieſthood, and the reſt of the Tribe of *Levi* for the Service of the Tabernacle, he gave unto the *Levites* all the Tenth in *Iſrael* for an Inheritance for their Service, and they were to have no Inheritance among the Children of *Iſrael*.

And the *Levites*, out of their Tithe, were to offer up an Heave-offering of it for the Lord, even the tenth part of the Tithe, and give it unto *Aaron* the Prieſt for himſelf and his Sons; and no other Portion had the Prieſts out of the Tithes, but they were for the *Levites* that did the common Services of the Tabernacle, for the Strangers, for the Fatherleſs, and the Widows.

Beſides the tenth of the Tithe, the Prieſts had the firſt ripe Fruits of the Ground, of Deut. 18. 4.

Wheat, of Barley, of Figs, of Grapes, of Olives, of Pomgranates and Dates, at what Quantity
Ezek. 45. 13. the Owner pleaſed; an Heave-offering alſo of Corn, Wine, Oil, Fleece and the like, was given to the Prieſts at the ſixtieth part, ſometimes at the fiftieth or more, at the Devotion of the Owner.

Of Cattle alſo the Firſt-born were the Lord's, paid to the Prieſts, of clean Beaſts in kind, of
Exod. 13. 2. unclean in Money, with a fifth part added: Alſo divers parts of the Sacrifices were appointed for the Prieſts.

But no Tithes did the Prieſts receive of the People; for thoſe belonged to the *Levites* that were appointed over the Tabernacle, and the Inſtruments thereof, to bear it, to take it down, and ſet it up, to ſerve *Aaron* and his Sons, and to do the Services of the Tabernacle, and keep the Inſtruments thereof; and their Service chiefly was upon removing of the Hoſt; for better ordering whereof, and every one's Service, they were divided into three Parts, the *Koathites*, the *Gerſhonites*, and the *Merarites*, and theſe received Tithes of the People, and out of them, a tenth part they delivered to the Prieſts.

Afterwards, when *Solomon* had builded a Temple, and placed the Ark therein, other Offices were appointed for the *Levites*; one
1 Chron. 26. 30, & 32. part of them were to be Singers; another to be Porters, and take the Charge of the Gates of the Temple; another to be Keepers of the Treaſury; others of them alſo were placed abroad

abroad in the Country, on the Weſt-ſide of *Jordan* one thouſand ſeven hundred, and on the Eaſt-ſide two thouſand ſeven hundred.

By this time alſo the Poſterity of *Aaron* being much increaſed, the Prieſts were divided into twenty four Ranks or Courſes, according to the Names of their Families, and every one's Attendance was required by Turns; and hereupon *Zacharias* is ſaid to be of the Courſe of *Abia*, and to execute the Prieſt's Office, and burn Incenſe as his Turn came, *Luke* i. and the firſt of the firſt Rank had the Pre-eminence, and was the High-prieſt, and ſo every one according to their Precedency were preferred.

The *Levites* that were Singers were divided, as the Prieſts, into twenty-four Ranks or Courſes; the Porters into five parts, one part to every of the four Gates of the Temple, and the fifth to *Aſuppim*, i. e. the *Council-houſe*.

The Treaſury was generally committed to one, as the chief, but under him to two ſorts of other Officers; one to keep the Treaſures of the Houſe of the Lord, and thoſe things that were offered to the Lord; and the other to keep the dedicate things: In theſe Treaſuries were put the ſecond Tithes, the Offerings of all ſorts of People, which were for the Uſes and Services of the Temple, for the Fatherleſs, the Stranger, and the Widow.

After the Captivity, and new Dedication of the Temple, it appears, that in many particulars, their Laws, Ordinances and Cuſtoms,

were very much changed, eſpecially in this of Tithing: But not being much pertinent to this Diſcourſe, I ſhall paſs them over; only from theſe ſhort Hints, let the Reader underſtand, that though the Prieſts and *Levites* were both of the Tribe of *Levi*, yet was the Prieſthood ſettled in the Sons of *Aaron*, and the Offices of the Prieſts were quite different from the *Levites*, and ſo was their Maintenance diſtinct, as before is herein plainly ſhewed.

Theſe Prieſts and *Levites* being ſeparated for the Work of the Lord, in the Tabernacle and in the Temple they miniſtred according to the Ordinances of the firſt Covenant, which were Figures for the Time then preſent, and Shadows of good things to come. *i.e. Chriſt*

A View of the Doctrines, Decrees and Practices of Tithing, *from the Infancy of the* Chriſtian *Church, until this Day.*

BUT in the Fulneſs of time, God raiſed up another Prieſt, Christ Jesus, who was not of the Tribe of *Levi*, nor conſecrated after the Order of *Aaron*; for he pertained to another Tribe, of which no Man gave Attendance at the Altar, who (having obtained a more excellent Miniſtry, of a greater and more perfect Tabernacle, not of the former Building, being the Sum and Subſtance of all the Patterns of things under the firſt Covenant) put an End to the firſt Prieſthood, with all its Shadows, Figures,

Figures, and carnal Ordinances, and changing the Prieſthood, which had a Command to take Tithes of their Brethren, there was made of Neceſſity alſo a Change of the Law, and a diſannulling of the Commandment going before, which was but impoſed until the time of Reformation.

And the Apoſtles and Miniſters of Chriſt Jeſus, when he had finiſhed his Office upon Earth, by offering up himſelf through the eternal Spirit, a Sacrifice without Spot unto God, did not look back to the Ordinances of the former Prieſthood, but teſtified *an End was put unto them*; and witneſſed againſt the Temple, wherein the Prieſts miniſtred, for which *Stephen* was ſtoned to Death; againſt Circumciſion, ſaying, *It was not that of the Fleſh*; againſt the Paſſover, Prieſts, *&c.* and preached up Chriſt Jeſus and his Doctrine, the new and living Way, which was not made manifeſt while as the firſt Tabernacle was ſtanding. Nor did they go about to eſtabliſh the Law by which Tithes were given in the former Prieſthood, but freely they preached the Goſpel which they had received, and did not require any ſettled Maintenance, but lived of the free Offerings and Contributions of the Saints, who by their Miniſtry were turned to Chriſt Jeſus.

At *Jeruſalem* and thereabouts, ſuch was the Unity of heart among the Saints in the Apoſtles time, that all things were in common, and none wanted; and as many as were Poſſeſſors Acts 4. 34.

of Lands or Houſes, ſold them, and brought the Price, and laid it down at the Apoſtles Feet, and it was diſtributed unto every Man according as he had Need.

So the Church gathered by * *Mark* at *Alexandria* in *Ægypt*, followed the ſame Rule as the Saints did at *Jeruſalem*, having all Things in common: And *Philo Judæus*, a famous Author of that time, reporteth, that not only there, but in many other Provinces, the *Chriſtians* lived together in Societies.

Acts 11. 29. 1 Cor. 16. 2. In the Churches at *Antioch*, the Saints poſſeſſed every Man his own Eſtate; ſo likewiſe in *Galatia* and *Corinth*, where the Apoſtle ordained, that Weekly-offerings for the Saints ſhould be made by every one as God had bleſſed him; and by theſe Offerings (which were put into the Hands of the Deacons of the Churches) were all the Services and Needs of the Church ſupplied.

By † Example of theſe, the Courſe of Monthly-offerings ſucceeded in the next Ages, not exacted, but freely given at the Bounty of every Man, as appears plainly by *Tertullian* in *Apolog.* cap. 39. where, upbraiding the *Gentiles* with the Piety and Devotion of *Chriſtians*, he ſaith, *Whatſoever we have in the Treaſury of our Churches, is not raiſed by Taxation, as though we put Men to ranſom their Religion; but every Man once a Month, or when it pleaſeth himſelf, beſtoweth*

* *Hieron.* in vitâ *Marc.*

† Vide Synod. Gangr. Can. 60.

beſtoweth what he thinks good, and not without he liſteth; for no Man is compelled, but left free to his own Diſcretion: And that which is given, is not beſtowed in Vanity, but in relieving the Poor, and upon Children deſtitute of Parents, and Maintenance of aged and feeble Perſons, Men wrecked by Sea, and ſuch as are condemned to the Metal-mines, baniſhed into Iſlands, or caſt into Priſon, profeſſing the true God, and the Chriſtian *Faith.*

And this way of Contribution continued in the Church till the great Perſecution under *Maximinian* and *Diocleſian*, about the Year 304, as * *Euſebius* teſtifieth, which alſo appears by the Writings of *Tertullian*, *Origen*, *Cyprian*, and others.

About this time alſo, ſome Lands began to be given to the Church, and the Revenue of them was brought into its Treaſury; belong'd to the Church in common, and was diſtributed, as other Offerings, by the Deacons and Elders; but the Biſhops or Miniſters meddled not therewith; for † *Origen* ſaith, *It is not lawful for any Miniſter of the Church to poſſeſs Lands* (given to the Church) *to his own Uſe:* And called to the Miniſters, *Let us depart from the Prieſts of* Pharaoh, *who enjoy earthly Poſſeſſions, to the Prieſts of the* LORD, *who have no Portion in the Earth.* And in another Place he ſaith, *It behoveth us to*

* *Euſeb.* lib. 4. cap 22.
† 16 Homily upon *Geneſis*, fol. 26. ch. 3.

to be faithful in diſpoſing the Rents of the Church, that we ourſelves devour not thoſe Things which belong to the Widows and the Poor; and let us be content with ſimple Diet, and neceſſary Apparel. And * *Urban*, Biſhop of *Rome*, Anno 227, did declare, *That the Church might receive Lands and Poſſeſſions offered by the faithful, but not to any particular Man's Benefit, but that the Revenues thereof ſhould be diſtributed as other Offerings, as Need required.*

† *Cyprian*, Biſhop of *Carthage*, about the Year 250, alſo teſtifieth the ſame, and ſheweth, that *the Church maintained many Poor*, and that *her own Diet was ſparing and plain, and all her Expences full of Frugality.*

‖ *Proſper* alſo ſaith, that *a Miniſter able to live of himſelf, ought not to participate of the Goods of the Church; for*, ſaith he, *they that have of their own, and yet deſire to have ſomewhat given them, do not receive it without great Sin.*

The Council at § *Antioch*, Anno 340, (finding that much Fault had been among the Deacons, to whom it properly belonged) did ordain, that *the Biſhops might diſtribute the Goods of the Church*, but required, *that they took not any part to themſelves*, or *to the Uſe of the Prieſts and Brethren that lived with them, unleſs*

---

* *Urban* 1. in Epiſt. cap. 12. q. 1. cap. 161.
† *Cyprian* Epiſt. 27, 34, 36.
‖ Lib. 21. de vitâ contemplativâ.
§ Conc. *Ant.* cap. 25.

unleſs that Neceſſity did juſtly require it, uſing the Words of the Apoſtle, *having Food and Raiment be therewith content.*

In theſe times, in many places, the *Chriſtian* Converts joined themſelves in Societies, and choſe a ſeparate Life, ſelling what they had, and living together in common, after the Example of the former Saints about *Jeruſalem*, as * *Chryſoſtom* notes, who lived about the Year 400, by whoſe Writings it alſo appears, that *there was not the leaſt Uſe or Practice of the Payment of Tithes in thoſe former Ages.*

The Church now living altogether by free Offerings of Lands, Money and Goods, the People were much preſſed to bountiful Contributions for holy Uſes, as may be ſeen by the Writings of † *Hierom* and *Chryſoſtom*, who brought the *Jewiſh* Liberality in their Payments of Tenths for an Example, beneath which they would not have *Chriſtians* determine their Charity; where *Chryſoſtom* ſays, *he ſpeaks theſe things not as commanding or forbidding, that they ſhould give more, yet as thinking it fit, that they ſhould not give leſs than the tenth part.* ‖ *Hierom* alſo doth earneſtly admoniſh them *to give bountifully to the Poor, and double Honour to him that labours in the Lord's Work*; not binding at all to offer this or that part, leaving them

* Hom. 11. in *Acta*, Tom. 6. Edit. *Saviliana*, pag. 897.

† Homil. 43. ad Epiſt. 1. ad *Corinth.* in cap. 16.

‖ Ad cap. 3. *Malachiæ.*

them to their own Liberty, but preſſing *they might not be more ſhort than the* Jews *were.*

* *Ambroſe*, who was Biſhop of *Milan*, about the Year 400, preached up Tenths to be offered up *for holy Uſes*, (as the Phraſe then was) as may be ſeen in his Sermon of Repentance; but his Authority he produceth wholly from *Moſes*'s Writings, and quotes divers Sentences, and threatens the People, that *if they would not pay their Tenths, God would reduce them to a Tenth.*

In like manner † *Auguſtin*, Biſhop of *Hippo*, hath an whole Homily for the Right of Tithes, who calls upon thoſe that have no Fruits of the Earth, to pay the Tenth of whatſoever they live by; and ſaith, *the Neglect of Payment of Tithes is the Cauſe of Sterility and Blaſting*; and agrees with *Ambroſe* in his Threats, that *God would reduce them to a Tenth*; and

---

* Tom. 5. Serm. fer. 2. poſt dom. 1. quadrageſima, & vide Serm. in Aſcenſ. Domini.

† In Serm. de temp. in Tom. 10. Hæc eſt *(ſaith he)* Domini juſtiſſima conſuetudo, ut ſi tu illi decimam non dederis, tu ad decimam revoceris.

And afterwards with much Earneſtneſs, Decimæ ex debito requiruntur, & qui eas dare noluerit, res alienas invaſit; & quanti pauperes in locis ubi ipſe habitat, illo decimas non dante, fame mortui fuerint, tantorum homicidiorum reus ante Tribunal æterni Judicis apparebit, quia à Domino pauperibus delagatum ſuis uſibus reſervavit. Qui ergo ſibi aut præmium comparare, aut Peccatorum deſiderat indulgentiam promereri, reddat decimam.

and tells them, *that not paying their Tithes, they ſhall be found guilty, at God's Tribunal, of the Death of all the Poor that periſh through Want, in the Places where they dwell*; and bids them *that would either get Reward, or deſire the Pardon of their Sins, to pay their Tithes.* Theſe two great Biſhops agree, and from the Law given to the *Iſraelites* take their whole Doctrine, and impoſe their own Opinion with ſo heavy Penalties: But yet take Notice to what End they required them, That the Poor might not want, and ſay, that God had reſerved them for their Uſe.

Leo (called the Great) who was Pope from 440 to 460, was likewiſe very earneſt and large in ſtirring up every Man's Devotion to offer to the Church part of his received Fruits, but ſpeaks not a Word of any certain Quantity, as may appear by his Sermons *De jejunio decimi menſis & Eleemoſynis.*

Severin alſo, about the Year 470, ſtirred up the *Chriſtians* in *Panonia*, who in Example of his Bounty, gave the Tenth of their Fruits to the Poor.

* *Gregory* not only admoniſheth the Payment of Tithes from *Moſes*'s Law, but alſo the obſerving the Time of *Lent*, conſiſting of ſix Weeks, out of which take the *Sundays*, and there remain thirty ſix Days, the tenth part of the

---

* Hom. 16. in Evang. & diſt. 5. de conſecrat. cap. 16. Ut in Lege jubemur Domino decimam rerum dare.

the Year, Fractions of Days omitted; this Tenth of Time he would have given to God, ſaying, *We are commanded in the Law to give the Tenth of all things unto God.*

And from the Opinions of theſe and other ancient Fathers, who took their Ground from the Law, *Tithes*, *Eaſter*, *Pentecoſt*, and other things, came to be introduced and brought into the Church.

* But notwithſtanding the Doctrine, and hard Threats of ſome of the great Biſhops of that time, it was not a generally received Doctrine, that *Tithes ought to be paid*, nor till about the Year 800, was any thing by the then Church determined or ordained, touching the Quantity that ſhould be given, though (no doubt) in many places, amongſt the Offerings of the devouter ſort, Tenths, or greater parts of their annual Increaſe were given, according to the Doctrine of *Ambroſe* and others.

The Offerings of the Church in thoſe Ages were received and diſpoſed of in Maintenance of the † Prieſts, and Relief of thoſe that were diſtreſſed; neither had the Prieſts ſuch a particular Intereſt in the Profits received, as of late time they have uſurped; all that was received, whereſoever in the Biſhoprick, was a common

* As is teſtified by *Agobard*, Biſhop of *Lyons*, an highly eſteemed Man, in his Treatiſe *De Diſpenſatione*, &c. *contra Sacrilegos*, page 276.

† Be not offended at the Word PRIEST, no other can be given to this Age; for the Title, as then 'twas given to them, ſo it was owned by them.

common Treaſury, and was diſpenſed, one fourth part to the Prieſts, out of which every one had his Portion; another fourth part to the Relief of the Poor, Sick, and Strangers; a third to the building and repairing of Places for publick Meetings, called Churches; and the fourth to the Biſhop. And generally then, the Biſhop lived in ſome Monaſtery, and his Clergy with him, from whence he ſent them out to preach within the Countries in his Dioceſs, and there they received ſuch Offerings as were made, and brought them to the Treaſury.

And though divers of the Fathers, Popes and Biſhops, did declare, *that Tithes were due*, and *ought to be paid*; none of the firſt eight general Councils of the * Church, did ever ſo much as mention the Name of Tithes, or declare them a Duty. The ninth, held at *Lateran* under Pope *Calixtus* the ſecond, about the Year 1119, mentions Tithes, but ſpeaks only of thoſe which had been given to the Church by ſpecial Conſecration; ſo doth alſo the Council held under Pope *Alexander* the third, *Anno* 1180, but that only inhibits Appropriations to religious Houſes, without Aſſent of a Biſhop; for at that time, People being led to believe that their Tithes ought to be given for the Uſe of the Poor, did

* I call it CHURCH, becauſe it was then ſo eſteemed; I muſt uſe ſuch Words as may give the Reader a Knowledge of what I ſay.

did chiefly diſpoſe them to the Heads and Governors of religious Houſes, who kept open Hoſpitality for the Poor, and Entertainment of Strangers, and were eſteemed holy, as good Treaſurers for the Needy, who took Care of Diſtribution of them, as is teſtified by *Caſſian* the Hermit. But that Council ſeeing much given to the Poor, little to the Prieſts, made that Decree to reſtrain the Peoples Freedom; and indeed, by this time, much Wickedneſs was crept into theſe Houſes, as Hiſtories relate.

Nor was any Law, Canon, or Conſtitution of any general Council as yet found, that purpoſely commanded the Payment of Tithes, nor any that expreſly ſuppoſed them a Duty of common Right, before the Council of *Lateran*, held in the Year 1215, under Pope *Innocent* the third; about which time, the Pope's Authority was grown powerful, and the Canons more received into Practice, that before were little, eſpecially herein, obeyed.

About the Years 800, 900, 1000, and after, Tithes were called the * *Lord's Goods*, the *Patrimony of the Poor*, &c. Whence alſo the Council at *Nants* declared, the † *Clergy were not to uſe them as their own, but as commended to their Truſt*; and they were not then given for

* Res dominicæ, dominica ſubſtantia, Dei cenſus, Patrimonia pauperum, tributa egentium animarum, ſtipendia pauperum hoſpitum Peregrinorum.

† Non quaſi ſuis, ſed quaſi commendatis, non ab hominibus, ſed ab ipſo Deo ſunt inſtitutæ.

for the Clergy, but to be diſpoſed of for the Uſes of the Poor.

And at this time, no Regard was had to the Nature of the Increaſe; but whatſoever did ariſe in Profit, whether by Trade, Merchandize, or Huſbandry, the tenth was required to be paid for Tithes.

But ſtill, the People had more mind to give them for the Poor than the Prieſts, as may be underſtood by the Complaint of Pope * *Innocent* the third, who cried out againſt thoſe that gave their Tithes and Firſt-fruits to the Poor, and not to the Prieſts, as heinous Offenders; his own Words take in the Margin.

Alſo, in a general Council held at *Lyons*, under Pope *Gregory* the tenth, in the Year 1274, it was conſtituted, † *That it ſhould not thenceforth be lawful for Men to give their Tithes of their own Pleaſure, where they would, as it had been before, but pay all their Tithes to the Mother-Church.* By theſe it may be ſeen, that though the People, who then generally were Papiſts, did believe they ought to pay them, yet were they free to diſpoſe them where they pleaſed, till theſe popiſh Councils reſtrained their Liberty.

* *He preaching on* Zacheus's *Charity, ſays,* Dedit proprium, & reddidit alienum. Graviter ergo peccant qui decimas & primitias non reddunt Sacerdotibus, ſed eas pro voluntate diſtribuunt indigentibus.

† Ut nulli hominum deinceps liceat decimas ſuas ad libitum ut antea ubi vellet aſſignare, ſed Matrici Eccleſiæ omnes decimas perſolverent.

But the great Decree which ſpeaks moſt plain, and till which nothing was given forth which did directly conſtitute them, but rather ſtill ſuppoſed them as due by ſome former Right, was made at the * Council of *Trent*, under Pope *Pius* the fourth, about the Year 1560. And yet that great Council followed the Doctrine of their Father, and ſaid, they *were due to God*, and had no new Authority for their great Decree, which they command to be obeyed under the Penalty of Excommunication.

Having thus briefly run over the Eccleſiaſtical State abroad, from the Infant-purity of the Church, to the height of the papal Domination, and given a ſmall Glimpſe through every Age to the point in hand; I ſhall now more particularly return to what may concern this Nation.

I ſhall not trouble the Reader with a Relation of *Joſeph* of *Arimithea*, and his eleven Diſciples

* Non ſunt ferendi qui variis artibus decimas Eccleſiis obvenientes ſubſtrahere moliuntur, aut qui ab aliis ſolvendas temere occupant, & in rem ſuam vertunt, cum decimarum ſolutio debita ſit Deo, & qui eas dare noluerint, aut dantes impediunt, res alienas invadunt: Præcipit igitur ſancta Synodus, omnibus cujuſcunque gradus & conditionis ſint, ad quos decimarum ſolutio ſpectat, ut eas (ad quas de jure tenentur) in poſterum Cathedrali aut quibuſcunque aliis Eccleſiis vel perſonis, quibus legitime debentur, integre perſolvant: Qui vero eas aut ſubſtrahunt, aut impediunt, Excommunicentur: Nec ab hoc crimine, niſi plena reſtitutione ſecutâ abſolvantur.

Diſciples coming into *Britain*, ſent by *Philip* the Apoſtle, in the Reign of *Arviragus*, as Hiſtories report; nor of the Converſion of King *Lucius* afterwards, who is ſaid to give great Endowments to the Church, nor of the *Britiſh Chriſtians:* Nothing at all appearing of the Payment of Tithes in their Days: But paſſing by them, and thoſe many Years wherein the barbarous *Saxons* over-ran this Nation, exerciſing moſt cruel Perſecutions, till the very Name of *Chriſtian* was blotted out, and thoſe Heathens ſeated in the quiet Poſſeſſion of a ſevenfold Kingdom in this Land.

About the Year 600 or ſoon after, *Gregory* the firſt, then Pope of *Rome*, ſent over *Auguſtin* the Monk into *England*, by whom *Ethelbert* King of *Kent* was converted; and by him and his Followers, in proceſs of time, other Parts of the Nation, and others of the Kings, were alſo brought to their Faith. This *Auguſtin* was a Canon regular, and both he and his Clergy, for long time after, followed the Example of former Ages, living in common upon the Offerings of their Converts; and thoſe that received them were joined in Societies, in Imitation of the primitive Practice, having ſuch Direction ſent him by Pope *Gregory*, that in the Tenderneſs of the *Saxon* Church, he and his Clergy ſhould ſtill imitate the Community of all things uſed in the primitive times under the Apoſtles, that they might not make their Religion burthenſome.

But afterwards, having brought a great part of the Nation to their Faith, they began to preach up the old *Roman* Doctrine, that *Tithes ought to be paid*; and having taught the People, that the Pardon of Sin might be merited by good Works, and the Torments of Hell be avoided by their charitable Deeds, it was no hard matter when that was believed, to perſwade them not only to give their Tithes, but alſo their Lands; as the outward Riches of thoſe called religious Houſes then, here and elſewhere, may teſtify; for in this Nation, they and the Clergy had almoſt gotten the third part of the whole Land; and ſo beſotted were the poor ignorant People, that, had not a Law againſt *Mortmain* prevented it, a far greater part of the Nation had been in their hands.

As concerning Laws and Canons for Tithes among the *Saxons*, it is reported, that in the Year 786, two Legates were ſent from Pope *Hadrian* the firſt, to *Offa* King of *Mercland*, and *Ælfwolfe* King of *Northumberland*, who made a Decree, *That the People of thoſe two Kingdoms ſhould pay Tithes.*

Alſo that *Ætheluph*, King of the *Weſt-Saxons*, in the Year 855 made a Law, that the Tithe of all his own Lands, ſhould be given to God and his Servants, and ſhould be enjoyed free from all Taxes. Great difference is among Hiſtorians about this Grant, few agreeing in the Words or Subſtance of it, as *Selden* ſhews, ſome reſtraining it to the Tithe of his own demeſne Lands; others to the tenth part of

of his Lands; others to the Tithe of the whole Nation. At that time, the Nation being under great and heavy Preſſures by *Daniſh* Irruptions, inteſtine Wars, great Spoils and Miſeries, he called a Council, where were preſent *Bernredus* King of *Mercia*, and *Edmond* King of *Eaſt-Angles*, and they, to remove the heavy Judgments then over them, grant the * *Tithe of all their Land to God and his Servants.*

King *Athelſtone*, about the Year 930, King *Edmond*, about the Year 940, King *Edgar*, about the Year 970, King *Ethelred*, about the Year 1010, King *Knute*, about the Year 1020, *Edward* the Confeſſor, and others of the *Saxon* Kings, made ſeveral Laws for Tithes, as Hiſtories report.

The *Normans* afterwards entring this Kingdom, and ſubduing it to themſelves, *William* the Conqueror confirmed the Liberties of the Church; ſo did *Hen.* the 1ſt. *Hen.* the 2d. King *Stephen*, and it may be, others of the ſucceeding Kings did the like.

Some Epiſcopal Conſtitutions alſo have been made to the ſame effect by *Robert Winchelſey* Archbiſhop of *Canterbury*, and others.

That the Reader may underſtand the Principles upon which theſe Men acted, and the Doctrine then preached amongſt them, and received and believed, I have inſerted in the

* Pro meæ remedio animæ & Regni & populi. *For the Cure of my own Soul, and of my Kingdom and People.*

Margin the * Preamble of a Grant of King *Stephen.*

But notwithſtanding the many Laws, Canons and Decrees of Kings, Popes, Councils and Biſhops, *That every Man ought to pay the tenth Part of his Increaſe*, yet was it left to the Owner to confer it where he pleaſed, which made ſo many rich Abbeys and Monaſteries; and till the Year 1200 or there-abouts, every one gave their Tithes at their own pleaſure, which

---

* Quoniam divinâ Miſericordiâ providente cognovimus eſſe diſpoſitum, & longe lateq; prædicante Eccleſiâ, ſonat omnium auribus divulgatum: Quod, eleemoſynarum largitione poſſunt abſolvi vincula peccatorum, & acquiri cœleſtium præmia gaudiorum: Ego *Stephanus*, Dei gratiâ *Anglorum* Rex, partem habere volens cum illis qui fœlici commercio Cœleſtia pro terrenis commutant, Dei amore compunctus, & pro ſalute animæ meæ, & Patris mei, Matriſq; meæ, & omnium Parentum meorum, & anteceſſorum, *&c.*

The Preamble of King *Stephen*'s Grant.

Becauſe through the Providence of divine Mercy, we know it to be ſo ordered, and by the Churches publiſhing it far and near, every Body has heard, that by the Diſtribution of Alms, Perſons may be abſolv'd from the Bonds of Sin, and acquire the Rewards of heavenly Joys. I Stephen, *by the Grace of God, King of* England, *being willing to have a Part with them, who by an happy kind of trading, exchange heavenly Things for earthly; and ſmitten with the Love of God, and for the Salvation of my own Soul, and the Souls of my Father and Mother, and all my Forefathers and Anceſtors*, &c. And ſo he goes on and confirms divers Things that divers had granted to the Church, as Tithes and other things.

which made * Pope *Innocent* the third, ſend his decretal Epiſtle to the Biſhop of *Canterbury*,

 commanding

* Pervenit ad audientiam noſtram, quod multi in Dioceſi tuâ, decimas ſuas integras vel duas partes ipſarum non illis Eccleſiis in quarum parochiis habitant, vel ubi prædia habent, & à quibus Eccleſiaſtica præcipiunt Sacramenta perſolvunt, ſed eas aliis pro ſuâ diſtribuunt voluntate: Cum igitur inconveniens eſſe videatur & a ratione diſſimile, ut Eccleſiæ quæ ſpiritualia ſeminant, metere non debeant a ſuis parochianis temporalia & habere, fraternitati tuæ Authoritate præſentium indulgemus, ut liceat tibi ſuper hoc, non obſtante contradictione vel appellatione cujuſlibet, ſeu conſuetudine hactenus obſervatà, quod Canonicum fuerit ordinare & facere, & quod Statueris per cenſuram Eccleſiaſticam firmiter obligare. Nulli ergo, *&c.* Confirmationis, *&c.* Datum *Lateran*, 2. Nonas *Julii*.

The Pope's Decretal Epiſtle to the Archbiſhop of *Canterbury*.

We having heard, that many in thy Dioceſs pay the whole Tithes, or two Parts of them, not to the Churches in the Pariſhes they belong to, or where they have Farms, and from which they receive the Church Sacraments, but they diſtribute them to others according to their own Will. As therefore it ſeems inconvenient and contrary to Reaſon, that the Churches which ſow ſpiritual things, ſhould not reap and receive temporal things from their own Pariſhioners; we by the Authority of theſe Preſents, grant to thy Brotherhood, that it may be lawful for thee, upon this, notwithſtanding any Oppoſition or Appeal whatever, or Cuſtom hitherto obſerv'd, to ordain and do whatſoever is canonical; and what thou ſhalt ordain, to bind by Eccleſiaſtical Cenſure. Let none therefore, &c. *In Confirmation whereof*, &c. *Given at* Lateran *the* 2*d Day of* July.

commanding him to enjoin every Man, to pay his temporal Goods to thoſe that miniſtred ſpiritual things to them, which was enforced by eccleſiaſtical Cenſures; and this was the firſt Beginning of general parochial Payment of Tithes in *England*: I have inſerted the Pope's own Words in the Margin, as they are recorded by *Coke*, in the ſecond Part of his *Inſtitutes*, who ſaith, *That becauſe the Pope's Decree ſeemed reaſonable, it was admitted and enjoined by the Law of the Nation, King and People being then* Papiſts.

This Decree of the Pope, receiving all poſſible Aſſiſtance from the Biſhops and the Prieſts, in whoſe Behalf it was made, did not only in a ſhort time take away the Peoples then claimed Right to give their Tithes to thoſe that beſt deſerved them, but did alſo ſo much corrupt the Clergy, that in the time of *Richard* the ſecond, *Wickliffe*, our famous Reformer, did make an heavy Complaint to the Parliament, which in his own Words I have inſerted for the Reader's better Satisfaction. *Ah Lord God! where this be Reaſon to conſtrain the poor People to find a worldly Prieſt, ſometimes unable both of Life and Cunning, in Pomp and Pride, Covetiſſe and Envy, Gluttonneſs, Drunkenneſs and Lechery, in Simony and Hereſie, with fat Horſe and jolly, and gay Saddles and Bridles ringing by the Way, and himſelf in coſtly Clothes and pelure, and to ſuffer their Wives and Children, and their poor Neighbours periſh for Hunger, Thirſt and Cold, and other Miſchieſs of the World:*

World: Ah Lord Jeſu Chriſt, ſith within few Years Men paid their Tithes and Offerings at their own Will, free to good Men, and able to great Worſhip of God, to profit and Fairneſs of holy Church fighting in Earth, why it were lawful and needful that a worldly Prieſt ſhould deſtroy this holy and approved Cuſtom, conſtraining Men to leave this Freedom, turning Tithes and Offerings unto wicked Uſes.

That the Meaning of theſe, and the Practice of this Nation in this matter may the better be underſtood, it is needful to inform the Reader, that when the Pope's Doctrine was receiv'd in a Nation, that Nation was divided into ſo many Biſhopricks as were needful, and every Biſhoprick into ſo many Pariſhes as were thought convenient, and Pariſhes are but of late Erection, and till then, moſt Preachers were ſent out of the Monaſteries, and religious (ſo called) Houſes, and the People did at their own free-will give their Tithes and Offerings where they pleaſed, which Liberty they enjoyed till about the Year 1200. And though it was generally believed that Tithes ought to be paid, yet did no Man claim any Property therein, but every Owner of the nine Parts, was required to give the tenth Part to the Prieſt or Poor, as due unto God.

But now the Pope, having ſet up Pariſhes, did enjoin, that a ſecular Prieſt canonically inſtituted, ſhould attend the Service of each Pariſh; and that where Tithes were not already ſettled, they ſhould be paid to the Pariſh-

Pariſh-prieſt, notwithſtanding any Cuſtom to the contrary; the People, then generally being Papiſts, did yield Obedience, as they durſt not do otherwiſe; and it may eaſily be ſuppoſed, that having perſwaded the People to pay Tithes, it was no hard matter to appoint the Perſons to to whom they ſhould be given.

Pariſhes being ſet up, Prieſts appointed, and Tithes paid to them, after forty Years Poſſeſſion, what before was owned as a Gift, was now claimed as a Debt; and *Preſcription* was pleaded by the Prieſts as their juſt Title; the People then ſeeing themſelves in a Snare, began to contend, but the imperious Pope (now in a great height of Pride and Inſolence, to uphold his Creature *Clergy)* thundered out his Interdict againſt this Nation, excommunicated the King, frighted the Subjects with his Bulls ſtuft with Commination, and that againſt the very Point of arbitrary Diſpoſal of Tithes: And *Rome* now grown formidable, did highly inſult over Kings and Princes; witneſs *Frederick Barbaroſſa*, *Hen.* the 6th, and other Princes of the Empire; and the Stories of our *Hen.* the 2d. and King *John*, are obvious: And our *Richard* the 1ſt. to gratify the Clergy for their exceeding Liberality, in contributing to his Ranſom from Captivity, with great favour gave them an indulgent Charter of their Liberties, and in this Advantage of time, the Canon Laws gained ſuch force, that parochial Payments came generally to be ſettled.

Yet

Yet notwithſtanding, our *Engliſh* Parliaments not willing wholly to forget the Poor, for whoſe Sake Tithes were chiefly given, did make divers Laws, *That a convenient Portion of the Tithes ſhould be ſet apart for the Maintenance of the Poor of the Pariſh for ever*, R. 2. 15. 6. 4. Hen. 4. as the Statutes at large do witneſs.

The Pope having by theſe means brought in Tithes, and made a pretended Title by Preſcription, ſet up Courts to recover them, which were called eccleſiaſtical Courts, where his own Creatures were Judges, and here the poor People might eaſily underſtand what they might expect from them; yet he that did not pay, no greater Puniſhment could they inflict on him, but Excommunication out of their Church.

The Pope by all means willing to favour his chiefeſt Props, notwithſtanding his general Decree, could tell how to diſpenſe with his own Lands at his pleaſure, and therefore frequently did grant Exemptions to divers Orders, to free them from Payment of Tithes; witneſs the *Hoſpitallers*, *Ciſtercians*, *Templers*, and generally to all Lands held in the Occupation of the called religious Perſons and Houſes, which is the Ground of all thoſe Mens Claims, who have bought the Lands of diſſolved Monaſteries, *&c.* and ſay *they are Tithe-free.*

When the Pope, by colour of the *Jewiſh* Laws, (by which Tithes were given to the *levitical* Prieſthood) had gained an univerſal Payment

Payment of Tithes to all his Clergy, in farther Imitation of that earthly Tabernacle, he ſets up a new Building after the former Pattern, and therefore to himſelf he claims Firſt-fruits and Tenths, as a Succeſſor of the *Jewiſh* High-prieſt; Sins alſo he undertook to pardon; Cardinals alſo he appoints as Leaders of their Families; Miters they wear on their Heads, as *Aaron* did; Synagogues they build, with Singers, Porters, *&c.* and into the form of the *Levitical* Prieſthood they transform themſelves, thereby wholly denying Chriſt Jeſus, the End of Types and Figures, to be come in the fleſh.

Afterwards, *Hen.* the 8th, King of *England*, being a Papiſt, and believing the Pope's Doctrine, as alſo did his Parliament, *that Tithes were due to God and holy Church*, made a Law that every one ſhould ſet out and pay his Tithes.

And ſeeing this is the great Law, and the firſt of our Parliament Laws for Tithes, and that upon which the reſt are grounded, I ſhall here inſert the Preamble of it.

Foraſmuch as divers Numbers of evil-diſpoſed Perſons, having no Reſpect to their Duties to almighty God, but againſt Right and good Conſcience have attempted to ſubſtract and with-hold in ſome Places the whole, and in ſome Places great Part of their Tithes and Oblations, as well perſonal as predial, due unto God and holy Church, &c.

A ſecond Law in his time was alſo made to the like purpoſe, and in purſuance of the former;

former; and great Reaſon he had, and Need there was for them; for having diſſolved many Monaſteries which had many Tithes and Rectories appropriated to them, and either had them in his own hands, or ſold them to others, to be held as Lay-poſſeſſions, and they having no Law whereby to recover them, the Pope's Laws not reaching the Lay-perſons (ſo called) he was neceſſitated to make new Laws to enforce the Payment of them, which the better to colour over the matter, he makes in general Terms, but ſtill reſtrains the Trial of Tithes to the eccleſiaſtical Courts.

After him, *Edw.* the 6th, in purſuance of his Father's Laws, and upon the ſame Ground, makes another Law for the Payment of * predial and perſonal Tithes, under Penalty of treble Damages, who alſo reſtrains the Trial to the eccleſiaſtical Courts. Theſe Laws ſuppoſe that Tithes were due to God and holy Church, and therefore they require, *that every Man do yield and ſet out his Tithes as had been accuſtomed.*

In purſuance of theſe Laws, ſome Ordinances were made in the time of the long Parliament, in the Exigences of the War, becauſe the Courts of Juſtice were obſtructed.——*And theſe are the Subſtance of all our* Engliſh *Laws concerning Tithes.*

Having

---

* *Predial Tithes* are thoſe which are paid of things ariſing and growing from the Ground only.

Having thus generally and briefly run over the Laws and Practices of Tithing, both abroad and in this Nation, I ſhall give ſome Hints of the Opinions of former Times concerning Tithes. About the Year 1000 and 1200 after Chriſt, when Tithes were generally preached up and claimed, great Controverſy did ariſe between the Canoniſts and the Clergy, by what immediate Law *Tithes were payable?*

The Canoniſts generally ground themſelves upon the Decrees and Canons of the Church (ſo called) and on the Writings of *Auguſtin*, *Ambroſe*, and the reſt of the ancient Fathers, who ſay they are due *by divine Right.*

The Clergy of thoſe times were at a Difference among themſelves, ſome of them ſaying, that Tithes, *quoad quotam partem*, or as a determined Part, are due only by poſitive and eccleſiaſtick Law; but *quoad ſubſtantiam ſuam*, or as a competent Part to be allowed for the Maintenance of the Miniſtry, are due by divine Law; and that the tenth Part was decreed by the Church, *per vim ejus exemplarem*, or by Imitation of the *Jewiſh* State, and not *per vim obligativam*, or any continuing force of it under the Goſpel; and that the Church was not bound to this Part, but freely might as well have ordained the Payment of a ninth or eighth, according to the various Opportunity. This was taught by *Hales*, *Aquinas*, *Henricus de Grandavo*, *R. de Midiâ villâ*, Cardinal *Cajetan*, *Io. Mayer*, *Suarez*, *Malder*, and others, who ſay, *it is the common Opinion of the greateſt Part*

Part of the Clergy of that time, and that the *tenth Part was rather ceremonial than moral.*

Here alſo was made a Diſtinction, and many ſaid, that predial and mixt Tithes were due by the divine eccleſiaſtick Law; but perſonal Tithes only by the Decrees of the Church; but *Hales* ſaid, that Tithes, as well perſonal as predial, are in the Precept *Quoad Subſtantiam*, but neither *Quoad quotam*; and therefore in *Venice* and other Cities, where no predial Tithes are, a perſonal Tithe is required by the poſitive Law of the Church, by virtue of the Subſtance (not Ceremony) of the Command.

Another Opinion (and that owned by many) was drawn from the former Doctrine, which concluded, That ſeeing Tithes, as the *quota pars*, were not enjoined by the Command of God, therefore they were meer Alms, or as what, *dibito Charitatis*, not *debito Juſtitiæ*, was to be diſpenſed. Of this Opinion were the *Dominicans* and *Franciſcans*, who both began about the Year 1210, and by their Doctrine got many Tithes to be given to their Monaſteries, and that whatſoever was given to the four Orders of mendicant Friars, was a ſufficient Diſcharge from the Prieſts.

And our famous Reformers, *John Wickliffe*, *Walter Brute*, *William Thorpe*, and others, whoſe Arguments are at large in *Fox's Acts and Monuments*, did in their days bear their Teſtimony againſt Tithes, for which ſome of them ſuffered in the Flames.

Agreeing

Agreeing herewith are the Articles of the *Bohemians*, publiſhed near three hundred Years ſince, wherein a divine Right to Tithes ſince the Goſpel is denied; whereupon alſo long ſince they took all their Temporalities from their Miniſters; and before *Wickliff*'s time, *Gerardus Sagarellus* was of the ſame mind. And the great *Eraſmus* alſo ſaid, *That the common exacting of Tithes by the Clergy of his time, was no better than Tyranny.*

Having thus briefly run over the Doctrines, Decrees, Practices and Opinions concerning Tithes; I ſhall make ſome ſhort Obſervations thereupon, that the Reader may underſtand whereunto they tend, and then proceed to the matter as it concerns us at this day, wherein he will find the Knowledge of theſe things will be uſeful.

Firſt, That amongſt the *Jews*, Tithes were paid to the *Levites* that did the common Services of the Tabernacle and Temple, and not to the Sons of *Aaron* the Prieſts; for they had only a tenth Part out of the Tithes; and therefore he that pleads for Tithes from the *Moſaical* Laws for Tithing, had need conſider how the Payment of Tithes to Miniſters, ſucceeds to the Payment of Tithes to the *Levites*, who were not Prieſts, nor were to touch or meddle with that holy Office, leſt they died.

2. That among the *Jews*, no outward Law was appointed for the Recovery of Tithes, but he that did not pay them robbed God, and by him only was puniſhed.

3. That

3. That the Tithes were not for the *Levites* only, but for the Stranger, the Fatherleſs, and the Widow, who were to eat thereof, and be ſatisfied.

4. That when the *levitical* Prieſthood was changed by the Coming of Chriſt Jeſus, the Law for Tithing was alſo changed, as *Paul* writ to the *Hebrews*; for it is evident, that in the beginning of the Church, for the firſt three hundred Years, while the Purity and Simplicity of the Goſpel was retained, no Tithes were paid among *Chriſtians*.

5. That as the Myſtery of Iniquity began to work, and Men's Imaginations were taught inſtead of the Doctrine of Chriſt, divers Men, fetching their Ground from *Moſes*'s Writings, began to preach that Tithes again ought to be paid.

6. That thoſe that firſt preached up Tithes, preſſed the Payment of them, not for the Maintenance of a Miniſtry only, but chiefly for Proviſion for the Poor and needy.

7. That in the firſt Practice of the Payment of Tithes, they were not paid as Tithes, but as free Offerings, at the Bounty of the Giver, and not as anſwering any Law that required the tenth Part, and ſo more properly were called Offerings than Tithes.

8. That notwithſtanding any Doctrines preached, it was not a received Doctrine, that Tithes ought to be paid, till about the Year 1000, that the Pope had ſet up his Authority, and uſurped Dominion over the greateſt part

Agreeing herewith are the Articles of the *Bohemians*, publiſhed near three hundred Years ſince, wherein a divine Right to Tithes ſince the Goſpel is denied; whereupon alſo long ſince they took all their Temporalities from their Miniſters; and before *Wickliff*'s time, *Gerardus Sagarellus* was of the ſame mind. And the great *Eraſmus* alſo ſaid, *That the common exacting of Tithes by the Clergy of his time, was no better than Tyranny.*

Having thus briefly run over the Doctrines, Decrees, Practices and Opinions concerning Tithes; I ſhall make ſome ſhort Obſervations thereupon, that the Reader may underſtand whereunto they tend, and then proceed to the matter as it concerns us at this day, wherein he will find the Knowledge of theſe things will be uſeful.

Firſt, That amongſt the *Jews*, Tithes were paid to the *Levites* that did the common Services of the Tabernacle and Temple, and not to the Sons of *Aaron* the Prieſts; for they had only a tenth Part out of the Tithes; and therefore he that pleads for Tithes from the *Moſaical* Laws for Tithing, had need conſider how the Payment of Tithes to Miniſters, ſucceeds to the Payment of Tithes to the *Levites*, who were not Prieſts, nor were to touch or meddle with that holy Office, leſt they died.

2. That among the *Jews*, no outward Law was appointed for the Recovery of Tithes, but he that did not pay them robbed God, and by him only was puniſhed.

3. That

3. That the Tithes were not for the *Levites* only, but for the Stranger, the Fatherleſs, and the Widow, who were to eat thereof, and be ſatisfied.

4. That when the *levitical* Prieſthood was changed by the Coming of Chriſt Jeſus, the Law for Tithing was alſo changed, as *Paul* writ to the *Hebrews*; for it is evident, that in the beginning of the Church, for the firſt three hundred Years, while the Purity and Simplicity of the Goſpel was retained, no Tithes were paid among *Chriſtians*.

5. That as the Myſtery of Iniquity began to work, and Men's Imaginations were taught inſtead of the Doctrine of Chriſt, divers Men, fetching their Ground from *Moſes*'s Writings, began to preach that Tithes again ought to be paid.

6. That thoſe that firſt preached up Tithes, preſſed the Payment of them, not for the Maintenance of a Miniſtry only, but chiefly for Proviſion for the Poor and needy.

7. That in the firſt Practice of the Payment of Tithes, they were not paid as Tithes, but as free Offerings, at the Bounty of the Giver, and not as anſwering any Law that required the tenth Part, and ſo more properly were called Offerings than Tithes.

8. That notwithſtanding any Doctrines preached, it was not a received Doctrine, that Tithes ought to be paid, till about the Year 1000, that the Pope had ſet up his Authority, and uſurped Dominion over the greateſt part

of *Europe*, and almoſt all Emperors, Kings and Princes brought in Subjection to him, and his innovated Superſtitions.

9. That notwithſtanding the ſtrict Commands of the Pope, no outward compulſory Law was made by the Pope or his Councils, to enforce any to pay Tithes, but only their Excommunication.

10. That Tithes were always accounted an eccleſiaſtical Duty, and therefore by eccleſiaſtical Courts were tried and judged; and till the Diſſolution of Abbeys, *&c.* were never called a *civil Right*.

11. That Tithes were brought in as a Duty owing unto God, and were ſo required and enforced, and therefore all Laws made for the Payment of Tithes, take that for their Ground, and not any civil Property or Right in him that claims them.

12. That till the Year 1200 or thereabouts, it was the common Practice for every one to beſtow his Tithes where he pleaſed.

13. That from ſuch arbitrary Diſpoſitions, Abbeys and Monaſteries came to be ſo richly endowed with Tithes and Rectories.

14. That all Exemptions from Payment of Tithes, came from the Pope.

15. That Firſt-fruits and Tenths are but a late Innovation, and claimed by the Pope as Succeſſor to the *Jewiſh* High-prieſt, as *Coke* in the third Part of his *Inſtitutes* alſo teſtifies.

16. That Tithes are the ſame thing, whether claimed by an Abbey, or Impropriator, or a Prieſt,

Prieſt, and ſtand upon the ſame Ground and Foundation, and differ nothing but in the Perſon that poſſeſſeth them.

17. Here alſo the declining State of the Church to Corruption and Error may be clearly diſcerned and traced; for as the Power of Truth was loſt, ſo was the Fruit thereof, which cauſed ſuch earneſt preſſing to needful Contributions, and when that would not ſerve, Laws and Decrees were made to force them: But in the beginning it was not ſo; for while the Purity and Simplicity of the Goſpel was retained, they needed no preſſing, for their Charity then abounded not only to the tenth part, but far greater parts, as the Needs of the Church required.

18. That the Right of Tithes was never cleared, but remained in Controverſy, even among the greateſt Papiſts, and in all Ages there were thoſe that withſtood the Payment of them: And many of the Martyrs for that, among other things, ſuffered in Flames.

Theſe things thus premiſed, I ſhall briefly ſtate the great Caſe and Queſtion, at this Day chiefly controverted concerning Tithes, as claimed and paid in *England*, viz.

Whether any Perſon have a true and legal Property in the tenth Part of another Man's Increaſe, now commonly called Tithes? The CASE.

The Terms are plain, and need no opening; yet it is needful to declare why the Caſe is

thus ſtated; for the great Queſtion rather ſeems to be, *Whether Tithes be not due at this Day?*

That may be due to another, wherein yet he may have no legal Property, as Cuſtom, Tribute, Taxes, which are to be paid becauſe commanded by the State; and though Law and Equity obliges the Payment, yet is no diſtinct Property in him that commands; and ſo Tithes may be ſuppoſed to be due, becauſe ſo many Laws have been made for Payment of them, though the Perſon that claims them may have no particular Intereſt or Property therein, other than is derived from the Command.

But now in *England,* Tithes are not only claimed by virtue of divers Laws, but alſo as being a diſtinct Property, ſevered from the Property of the nine parts.

And if this could clearly be evinced, all Scruples of Conſcience were anſwered; for if a true and legal Property be in another Perſon to the tenth part of my Increaſe, I ought in Conſcience to yield and ſet it forth, becauſe it is not mine; and then the Name of Tithe, as having in any meaſure Relation to the *Jewiſh* Prieſthood, or popiſh Clergy, were at an End, but as a Debt it ought to be truly paid to the Proprietor.

Many things have been ſaid, and much written, to prove ſuch a Property, the Subſtance whereof, as far as hath come to my Knowledge, I ſhall briefly ſum up under theſe general Heads; as alſo the Grounds of thoſe who

who claim them to be due, and yet plead no Property, which being the leſſer, may be fully included and anſwered in the other.

Several Claims made for TITHES, *and a legal Property therein, ſet down and anſwered.*

1. THE firſt claim Tithes to be due *jure divino*, and produce the Law of *Moſes* for it.

2. Others ſay, that as to the *quota pars*, (*viz.* the tenth part) Tithes are not now due by the Law of God; only the Equity of the Law is ſtill of force, which obligeth to afford a competent Maintenance for the Miniſtry, but doth not bind to the certain Quantity.

3. Others there are, who plead the Decrees, Canons and Conſtitutions of general Councils, Popes, Biſhops, Convocations, and theſe ſay, that Tithes are due *jure Eccleſiaſtico.*

Under theſe ſeveral Claims, or ſome of them, have Tithes been demanded and paid, ſince the dark Night of Apoſtaſy overſpread the Earth under the papal Power, till the Pope's Supremacy and Religion was caſt off in *England*; and where the popiſh Religion is profeſſed, they are now by the ſame demanded and paid.

But now of late in *England*, new Claims are made, and the old Pretences ſeem too much to ſavour of the popiſh Leaven, and therefore an

human Right is pleaded, which I ſhall briefly bring under theſe few Heads.

1. Some plead the Gifts of Kings and Princes who were Rulers of the People, as *Ethelwolph*, &c.

2. Others plead the temporal Laws of Kings, Parliaments, *&c.*

3. Others plead the particular Gifts, Appropriation, Conſecration or Donation, of thoſe who were former Owners of the Land.

4. Others plead Preſcription, and a legal Right by their Poſſeſſion.

5. Others plead a legal Right by Purchaſe.

And beſides theſe, I never heard or read of any other pretence for Tithes, though I have diligently, for two Years and more, laboured to inform myſelf fully what could be alledged for them.

To begin with the firſt, thoſe that ſay Tithes are due by divine Right.

Some of them ſay, *That the Law given to* Iſrael *for Payment of Tenths to the Tribe of* Levi, *doth alſo oblige* Chriſtians *to pay Tenths to their Miniſters, as ſucceeding in the Prieſts Office.*

Anſw. To ſuch it is clearly anſwered, that the Prieſthood which had a Commandment to take Tithes, being changed by Chriſt Jeſus, there is made of Neceſſity alſo a Change of the Law; and now the Prieſthood is no more committed to the natural Off-ſpring of *Levi*, or any other Tribe, but to Chriſt Jeſus the unchangeable

unchangeable Prieſthood, whoſe Kingdom ſtands not in Figures and carnal Ordinances, but is the Subſtance of what that was but a Figure: And it is clear, the primitive Churches were aſſur'd of it, who for ſome hundreds of Years, and till the Myſtery of Iniquity began to work, never called for the Payment of Tithes, as is before plainly proved.

And how doth a Goſpel-miniſtry ſucceed to the *Levites*, who received Tithes, but were not Prieſts? Much more colour had the Quoriſters, Singing-men, and the reſt of the Rabble brought into the late Cathedrals, to claim them, and only to pay out a tenth part to the Prieſts, as the *Levites* did.

Others ſay, *That* Abraham *paid Tithes to* Melchiſedec, *which was before the* levitical *Prieſthood; and Chriſt Jeſus is made a Prieſt after the Order of* Melchiſedec.

Abraham, returning from the Slaughter of the Kings, was met by *Melchiſedec*, who brought him Bread and Wine, and *Abraham* gave him the tenth of the Spoil: But what is this to the Payment of Tithes, unleſs it oblige the Soldiers? For it doth not appear, that *Abraham* paid the tenth part of his own Increaſe; nor doth it appear, that *Abraham* gave the tenth part at any other time; and how will this prove a yearly Payment of Tithes to Miniſters?

And what if *Jacob* gave Tithes? How are either of theſe Examples more binding than any other of the good Acts that either of theſe holy Men did?

Object. If it be ſaid, that Jeſus Chriſt ſaid, *Ye title Mint*, &c. *theſe things ye ought not to leave undone.*

It's anſwered, That Jeſus Chriſt then ſpoke to the *Jews*, in the time when the *levitical* Prieſthood was not ended, who were bound by the Law, ſo long as it was of force, till he was offered up, and ſaid, *It is finiſhed.*

But though divine Right hath been long pretended, few are now left who will only ſtand to it, and the generality, both of Lawyers, Prieſts and People, are of a contrary mind.

For if Tithes be abſolutely due by the Law of God, no Cuſtom, Uſage, Preſcription, Privilege, or popiſh Diſpenſation, can acquit from Payment of the utmoſt Penny of the tenth part; but ſcarce the tenth Perſon in *England* payeth Tithe in kind, and many plead they are Tithe-free, and pay none at all, and others very ſmall matters; and ſo the greateſt part of the People of *England* deny Tithes to be due by God's Law.

Again, if Tithes be due by the Law of God, then it is to the End for which they were commanded, for the *Levites*, the *Strangers*, the *Fatherleſs*, and the *Widows*; all therefore who plead for Tithes by divine Right, muſt not pay them to an Impropriator; for by God's Law he cannot claim, neither ought any Impropriator, of that mind, to receive them.

And of late Years, it was by *Rolls*, Chief Juſtice, adjudged in the upper Bench, *that Tithes are not now due by the Law of God.*

2. To

2. To the next, thoſe that *plead the Equity of the Law is ſtill of force.*

Theſe plead not for Tithes properly, but for a comfortable Maintenance, and by way of Tithes, as they ſuppoſe moſt convenient, *&c.* And theſe bring many Scriptures in the New Teſtament, *That he that labours is worthy of his Hire*; *he that preacheth the Goſpel, ought to live of the Goſpel*; *let him that is taught, communicate to him that teacheth*; and the like.

And to ſuch I ſay, that not only the Equity of the *levitical* Law for Tithing, the Doctrine of Chriſt Jeſus and his Apoſtles do bind, but even from natural things we are largely taught our Duty therein; *No Man muzzleth the Mouth of the Ox*; *and no Man goeth a Warfare at his own Charge*; and *he that plants a Vineyard, eats the Fruit thereof*: And herein it is agreed, that the Miniſters of Chriſt Jeſus, who are called to his Service, and labour in the Word, ought to be comfortably provided for, that they go not a Warfare at their own Charge.

But this doth not require, that the World, (which lies waſte as a Wilderneſs, and is not of the Vineyard) ſhould contribute, much leſs be compelled, to give a certain Portion of the Fruits of their Labours towards the Maintenance of Chriſt's Miniſters.

And theſe grant, that *every Man is the ſole Owner of his own Labour and Poſſeſſion*; and though by another he may not be compelled, for ſuch Sacrifice God abhors, yet ought every one

one freely to glorify God with his Subſtance, to ſtrengthen the weak Hands and feeble Knees, and to give to him that teacheth, thoſe things that are needful, and ſuch cheerful Givers God accepts.

And this leaves every one free to give to him that teacheth, not binding to the Maintenance of thoſe who have leſs need than the Giver, or of thoſe who are transformed as Apoſtles and Miniſters of Chriſt, who have the Form, but want the Power, who teach for filthy Lucre, keeping ever learning, but cannot bring to the Knowledge of the Truth.

And of ſuch as Chriſt Jeſus ſent forth, he always took care, and they never wanted, but they reaped the Fruits of their Labour, and eat the Fruits of their own Vineyards which they had planted, and by the Churches who were gathered out of the World, were they maintained to preach the Goſpel to the World, unto whom they would not make the Goſpel chargeable or burdenſome, which was their Glory and their Crown.

And herewith let all our now called Churches be proved and tried, who ſeparate from the World, and yet many of them receive Pay and Wages for their Teachers from the World, who ſend none at their own Coſt to preach to the World.

And here our Rulers ſhould learn Wiſdom, to with-hold their Hands from upholding any with their worldly Sword, and compelling others to maintain them; and to leave Chriſt's Kingdom

Kingdom to his own Rule, who is Lord of the Harveſt, ſends forth Labourers, and puts his Spirit upon them; who ſends forth the Fiſhermen, the Shepherds, the Herdſmen, the Tillers of the Ground, and the Keepers of Flocks, who ſpeak plain Words that wiſe Men cannot underſtand, who are wiſe in the World's Wiſdom, gathered in Schools, whither they are ſent to learn a Trade, thereby to get their Livings; and in the time of Popery they ſtudied the popiſh Doctrines, and then preached them to others; and in the time of Prelacy, they changed to a new Form: And when that was laid aſide, Preſbytery was ſet up, and then ſuch the Univerſities ſent forth; and ſince Independency was preferred, great ſtore of them are ſpread abroad; and look what pleaſeth them beſt that have the greateſt Livings in Diſpoſe, that is the moſt cried up, and moſt ſtudied and preached; and here is the Spring of our Teachers, the Univerſities; and theſe ſay, that *Greek* and *Hebrew* are the Original, which they go thither to learn, that they may underſtand what Chriſt ſpoke, and the Apoſtles preached: But the *Hebrews* and *Greeks* who heard them ſpeak in their own Language, could not underſtand their Doctrine, for it ſeemed Fooliſhneſs to them; and theſe by their Original are in no better State, nor nearer to the Knowledge of the Goſpel; and let our Rulers conſider, that Chriſt's Love to the World, for whom he died, is not abated; neither is his Spirit diminiſhed, nor his Power ſhortned,

ſhortned, that he will not, or cannot, ſend forth and fit Miniſters for his Service; or that he needs Univerſities to inſtruct, or Magiſtrates to provide Maintenance for thoſe he ſends forth. And let them look to their own Kingdom, the World, therein to puniſh and reſtrain the Evil, and to encourage and protect the Good; and then all would be agreed, and the Nation kept in Peace, every one enjoying his true Liberty and Freedom: For in this it is aſſented, that the Miniſters of Chriſt Jeſus, who ſow unto us Spiritual things, ſhould reap of our Temporals: But here is the Difference, *firſt*, That our Conſciences muſt be our Judge, who thoſe Miniſters are, and no other Man's Direction; for to the Conſcience were Chriſt's Miniſters always made manifeſt, and not approved with the Reaſon and Wiſdom of Man. *Secondly*, That our Gift muſt be free, and by no Man's Compulſion.

Would not this eaſe the Magiſtrate of much Trouble that he makes to himſelf, and be more acceptable to God and Man? For who hath made him a Judge in theſe things?

A third ſort *plead the Decrees, Canons, Conſtitutions of general Councils, Popes, Biſhops, Convocations.*

To ſuch I ſhall only ſay, that for the firſt eight hundred Years after Chriſt, no Canon or Decree was made by general Council, nor was it then determined by the Church (as 'twas called) what Part every Man ſhould pay. And the

the firſt eight general Councils do not ſo much as ſpeak of the Name of Tithes, and that was till about a thouſand Years; and then about that time, it came to be received and believed, that *Tithes ought to be paid*; yet in *England*, as well as other Nations, every Man might have given his Tithe where he pleaſed, till about the Year 1200, as is already proved: But I need not ſay much to theſe, few being of this mind, but thoſe that own the Pope for their Head, we having in *England* denied and caſt off his Supremacy, though in this matter of Tithes, and many other things, we ſtill feel his Power among us.

And now having briefly gone over the Subſtance of what is pleaded for a divine or eccleſiaſtick Right, I come next to what is pretended for an human Right.

And the firſt Sort *pleads the Gifts of Kings*, as *Ethelwolph*, &c.

To theſe I anſwer, if they could prove the whole Land had been the particular Poſſeſſion of any ſuch King, they ſaid ſomething; though that would not juſtify the taking Tithes from all the People, as ſhall be more fully proved hereafter. But by what Right could he give the tenth Part of the Increaſe and Fruits of the Labours of all the People of his Dominions, who had no legal Property therein? It was an eaſy matter, when the Pope's Emiſſaries had taught the People, *that Tithes were due to God and them*; and had perſwaded Kings and Nobles, *that Heaven might be purchaſed by their*

their Works, to procure from them the Gift of that which was not theirs, the *poor Peoples Tithes*; eſpecially conſidering the People were of the ſame mind, and as zealous of all the popiſh Superſtitions as themſelves, and every one ſtriving who ſhould therein moſt excel; witneſs thoſe many rich Abbeys and Monaſteries, lately in this Land. But if that King *Ethelwolph*'s Grant be the Foundation of Tithes, then how many ſucceeding Kings and Biſhops, and others, have violated his Deed, by appropriating them to Abbeys, Monaſteries, and ſuch like Houſes? And how have all Ages ſince *Ethelwolph*'s, taken upon themſelves the Diſpoſition of Tithes, without any Relation to what he did? Which ſhews clearly, that neither Kings, Parliaments, nor People, did ever take themſelves bound by his Grant: But the Folly and Vanity of this Argument will more plainly appear hereafter.

The next, and thoſe which ſeem to have the ſtrongeſt Plea, do urge the temporal Laws of Kings and Parliaments, and ſay, *By the Law they have as good Property in Tithes, as any Man hath in his Lands.*

Anſw. To ſuch I ſay, the Law doth not give any Man a Property, either in Land or Tithes, or any other thing, but only doth conſerve to every Man his Property, which he hath in his Land and Poſſeſſions, either by Gift, Purchaſe or Deſcent, and ſecure him from the Injury or Violence of another.

But

But let us not be deceived with a new Pretence, lately taken up to delude ſimple Minds, of a legal *Property*, and a *civil Right*; for that is but a ſhift, and it matters not what any ſay, or now pretend, concerning the Right of Tithes, when they ſee their other Claims will not ſerve the turn; but let us hear what the Makers of the Laws ſay of them, thoſe from whom they claim; and paſſing by the *Saxon*'s times, and King *Stephen*, and the reſt of thoſe who were in the Midnight of Popery, let us come to *Henry* the 8th, who caſt off the Pope, and upon whoſe Law, all others that were ſince made are builded; and in the Preamble of the Act, it is declared, *That Tithes are due to God and holy Church*, and they blame Men for being ſo wicked as not to pay them, and therefore that Law is made; and here is the Ground of the Law, not any Property or civil Right in Prieſts or others, and therefore, if the Law require them as due by divine Right, he that ſaith they are only due by human Right, cannot claim them, nor ought to recover them by that Law, for he claims them by another Right; and for any Man to claim that by human Right, from human Law, which commands them as due by divine Right, is but a meer Deceit. And that Law of *Hen.* the 8th, and the reſt, did not upon any civil Ground ſet up, or conſtitute the Payment of Tithes, but takes it for granted, that *Tithes are due to God and holy Church*; and therefore the Foundation of the Law being taken away, *that they are*

are not due to God and holy Church; the Law falls to the Ground; for the Law not making them due, but ſuppoſing them due by a former Right, if they were not ſo due, the Law cannot be binding.

That Tithes were never, till now of late, pretended a *civil Right*, is plain; for as they were impoſed by the Pope, ſo they were triable in his Courts; and thoſe very Laws made by late Parliaments, did appoint them to be tried in the eccleſiaſtical Courts, and reſtrained the temporal Juriſdiction, as the Acts themſelves teſtify.

But what is the *Property* that is now claimed? Is it in a Perſon? That cannot be, for the Prieſt hath them not till he enters his Office, and when he parts with that, he loſeth his Tithes: So the Prieſt hath no Property, but his Office; and what is that? It was a popiſh Office when Tithes were firſt paid to it; and how comes the Property to continue now the Office is laid aſide, and the Pope that ſet them up? But how can a civil Right or Property be pretended, when the Author was the Pope? The End for a called ſpiritual Office, and recovered in an eccleſiaſtical called Court; are not theſe Covers grown too ſhort?

And in the Act of 32. *Hen.* the 8th, Tithes are called *ſpiritual Gifts:* And there, of impropriate Tithes ſold after the Diſſolution, it is ſaid, they are now made *temporal:* And before that time, it was never heard that Tithes were called a *temporal Right.*

But

But it is farther ſaid, *Theſe Laws were made by Parliaments, the Repreſentatives of the People: And though Tithes were not due before, yet they might give Tithes, becauſe their own, they being the Body of the People.*

This would ſuppoſe a particular Conſecration, or Donation of the People, not only as in their legiſlative Capacity to bind themſelves by a Law, but by a particular Act of free Gift: But it's plain, the Act never intended any ſuch thing, for it gives nothing, but commands what was before.

And as to the Law itſelf, and all other Laws of Kings, Parliaments, Popes, Councils, Biſhops, and whatever elſe was by any Man made for the Payment of Tithes, ſince Chriſt Jeſus came in the Fleſh, joned altogether, How do they all, or any of them bind the Conſcience? For if Tithes be not due by the Law of God, as is herein proved, and almoſt generally granted: Who hath ſet them up? The Law of Man at beſt: And who is Man, that makes a Law in the place where God diſannulled his own Command? Is it better to obey Man than God? Or is Man grown wiſer than his Maker? Who put this Power into the hand of Man, to raiſe a compulſory Maintenance for Miniſters? That any Parliament have Power, to make any binding Law for the Maintenance of thoſe they call Miniſters, for doing a Work which they call Worſhip of God, and force the People to ſubmit to it, the clear Light of this Age doth generally condemn; for they are

much more like to ſet up and maintain thoſe who are contrary to Chriſt, than Chriſt's Miniſters, who never looked for, nor durſt own ſuch a Way of Proviſion. Will any ſay *they have Power?* From whom had they it? Is it derived from the People? That cannot be. Have they any Power committed to them? How is it? As they are Magiſtrates? if ſo, the *Turk*, and all infidel Magiſtrates have the like: Or is it as they are *Chriſtian* Magiſtrates? Then may not *France*, *Spain*, &c. claim the ſame? For what Nation in *Europe* will not ſay they have a *Chriſtian* Magiſtracy, though far the greater part of them be Papiſts? And may not a Papiſt by as good Right require and compel Maintenance for his Miniſters, as *Henry* the 8th, or any other could, or can do? But that I may not be miſtaken, as if I went about to take away the Magiſtrates Power to raiſe Taxes, Aſſeſſments, or other Charges, for the Service and Defence of the Nation, it is needful to diſtinguiſh between thoſe Things that are called *Civil*, and ſuch as are called *Spiritual:* For civil Ends and Uſes, the People may give Power to their Repreſentatives to raiſe Moneys, or any other civil thing, becauſe in ſuch things they are their own Maſters: But in matters of Religion and ſpiritual things, no Man can give Power unto another, to impoſe any thing upon himſelf, or his Neighbour; for in thoſe things every one is to be accountable unto God, and to ſtand and fall to his own Maſter. And thus *we give unto God the things that*

that are God's ; and unto Cæſar the things that are his ; paying Tribute to whom Tribute is due. But as for all Laws made in the Will of Man, in the things of God, and their heavy Puniſhments inflicted upon ſuch as cannot for Conſcience-ſake conform unto them, they reach not the Conſcience, and therefore make no Sin againſt God.

And as concerning the Laws of King *Henry* the 8th, and *Edward* the 6th, it may be conſidered, ſome of them were made by a popiſh King and Parliament, and the reſt, in the Glimmerings of Light, when Men were but ſeen as Trees ; and therefore, to make their Laws a Rule for this Day of clear and Sunſhine Light, ſavours too much of the old popiſh Spirit, and is a Shame to our Reformation : And if it be ſaid, *Papiſts might and did make good Laws* ; it is true, in temporal things they did, but not in things of Religion, wherein they are differenced from us, becauſe Papiſts.

But were the Law juſt in commanding Tithes, can it be equal to give double or treble Damage, where they are not paid ? If any Man owe a juſt and due Debt, no more by Law can be recovered, but what the Debt is, beſides the Charges of the Law : How cruel therefore are theſe Laws and Ordinances, which in a matter of ſo much juſt Scruple, require and impoſe the double or treble Value ? And how unrighteous are all ſuch Perſons, as by force of ſuch Laws receive them ? For if Tithes were due, is therefore the treble Value

due, becauſe the Law hath made that Penalty? Where is Equity or Juſtice in either? The Pope and his Adherents did only excommunicate the Refuſer till he conformed; and till theſe late Laws, ſuch Penalties as Impriſonment and treble Damage were never known. And here what was by our Fore-fathers Superſtition (whom we look back at as afar off, and pity) begun in Ignorance, we build up, and confirm with Tyranny, and inſtead of their Rods, make to ourſelves Scorpions.

But herein is not all, but the Law requires every Man *to ſet out the Tenth*, and ſo makes him a voluntary Agent in that, againſt which his Conſcience teſtifies, which is moſt cruel and unrighteous; and him that cannot do ſo, they ſue and hale before Courts and Magiſtrates, and there they get Judgment of treble Damage, and by that Judgment, frequently take five-fold, yea ſometimes ten-fold the Value: Shall not theſe things render this Age, which ſo much pretends to Reformation, contemptible to future Generations? And for theſe things, ſhall not even Papiſts riſe up in Judgment againſt us, and condemn us?

But how is it that any Law for Tithes is now executed? Do not all Laws and Statutes for Tithes reſtrain the Trial of them to the eccleſiaſtical Courts, and prohibit the temporal Courts from meddling with them? And ſince the eccleſiaſtical Courts are deſtroyed, Who have Power to give Judgment for Tithes? No temporal Judge proceeding according to the Laws

N. B. this was in the time of the Common-wealth.

Laws for Tithing. How is it then, that ſo many Perſons are ſued, proſecuted, and unjuſtly vexed for Tithes in all the Courts at *Weſtminſter*; and not only ſo, but in the Sheriff's Court, and other Petty Courts in the Country?

Object. If it be ſaid, *The Statute gives double Damages and Coſts, and no Court being appointed where that ſhall be recovered, it muſt be ſuppoſed to be the Common Law Courts.*

I anſwer, by aſking of what muſt they give the double or treble Damage, ſeeing they are reſtrained from trying for the ſingle Value? If they cannot judge the one, how can they award the other? Will they condemn an Acceſſary before they try the Principal? What is this but to make the Law a Noſe of Wax, or any thing, to uphold another unrighteous Kingdom.

Object. It will be ſaid, *Juſtices of Peace have Power.* It may be ſo by an Ordinance, but no Act of Parliament, which is the Law of *England*; and that they do it, many poor People feel; for generally they give treble Damages for all manner of Tithes, whenas the Statute gave but double, and Coſts, and that only for predial Tithes: And they uſually execute their Precepts by ſuch Perſons as will do it effectually, who take generally five times more than the Value, which they appraiſe and ſell far under the worth; and he that cannot comply with their Cruelty, and confeſs their Judgment juſt, by accepting back what they will return, doth frequently ſuffer five or ſix-

fold, yea often ten-fold Damage. And here the Fingers of the Juſtices are too often found, by conſcientious Men, far more heavy than the Loins of the Law, nay more than of the old eccleſiaſtical Courts, or the Pope himſelf, who hath no ſuch Penalties. I write what I can prove by manifold Inſtances.

Though theſe Oppreſſions be many and great, yet are they not all that this Age exerciſes; for by a new Device, under Pretence that Prieſts are not able to pay Tenths to the Protector, unleſs every Man pay them their Tithes, they ſue Men for all manner of Tithes by *Engliſh* Bill in the Exchequer, and there would force them upon their Oaths, to declare what Tithes they have; whenas in the eccleſiaſtical Courts, the Ordinary might not examine a Man upon his own Oath, concerning his own Tithe: And here ſuch as either make Conſcience of ſwearing, which Chriſt forbids, or cannot themſelves tell what Tithe they had, are caſt into Priſon for Contempt, where they may lie as long as they live, no Law in the Nation reaching them any Relief: And divers upon this Account have long lain in the *Fleet*, and yet are there; and I believe above an hundred Suits are in the Exchequer depending, and Proceedings ſtopt at this Point; the Hearts of the very Officers of the Court relenting with Pity, towards ſuch Numbers of poor Men brought thither every Term, from the moſt remote Parts of the Nation, and ſome of them not for above twelve Pence; ſuch mercileſs Cruelty

This was in the Year 1655, or thereabouts.

Cruelty lodges in the Hearts of many, if not the moſt of our pretended Goſpel-miniſters.

O ſhameful Reformation! What! compel a Man himſelf to ſet out the Tithe of his own Goods to maintain an hireling Prieſt, it may be one openly prophane, and ſo make him ſin againſt his own Conſcience, or take from him thrice, or rather five times as much! And not only ſo, but to force him to ſwear what Tithes he had, or commit him to Priſon, there to lie without hope of Relief; doth not the Cry of theſe Abominations reach through Palace-walls, and enter Parliament-doors? Surely they reach the Gates of Heaven. And though Man have forgotten his fair Promiſes, God will in due time break theſe Bands, and ſend Relief another way. O curſed Firſt-fruits and Tenths, the ſuperſtitious Relick of Popery, and Wages of Unrighteouſneſs, the Cauſe and Cover of all theſe Exchequer Suits, and of moſt of theſe Miſchiefs! Muſt we ſtill have Prieſts and Tithes? Then may we not wiſh for old Prieſts, and old eccleſiaſtical Courts? For much more Moderation was in them, and even Papiſts would bluſh at our Cruelties. Did but the Magiſtrate ſee what Havock is made in the North, what driving of Goods, the Oxen out of the Plow, the Cows from poor and indigent Children, what carrying of Pots, Pans, and Kettles, yea and fetching the very Cloaths off poor Peoples Beds, he would either be aſhamed of ſuch Juſtices, or ſuch Prieſts or Tithes, or of them all. Such Inſtances I could give, as

would make the Reader's Ears to tingle; and he that cannot believe me, let him ſend into *Cumberland*, and he ſhall meet with few that cannot inform him of it; or do but let him go a little after Harveſt, and he may find the Juſtices ſo buſy, as if they had little other Work to be doing. But whither have I digreſſed? Let me return to hear what the next can ſay.

3. And theſe *plead the Gift of thoſe that were formerly Poſſeſſors of the Land*, and ſay, *Thoſe that pay Tithes, do but that which their Anceſtors juſtly charged upon them.*

To ſuch I anſwer, that it's true many Anceſtors gave Tithes, which of them were required, as before hath been declared; but what is that to us? Or how are we thereby bound? Did ever any Man, in any Deed or Conveyance of his Land, expreſs any ſuch Gift, or make any Exception of Tithes? I never ſaw or heard of ſuch a thing; and let thoſe who can find ſuch Reſervations, make their Claim; but I believe it will not be in *England*. That which this ſort pleads, ſeems to make a Ground for a diſtinct Property; for if there be a Property, it muſt of Neceſſity ariſe from him that was the true Owner, and had Power to charge himſelf and his Poſterity; and theſe ſay, *They have as good Right to the tenth part, as the Owner hath to the nine*, and *that he never purchaſed it*, and the like. Unto all which I anſwer, That though it were true, and could be

be proved, that mine Anceſtors gave Tithes, and that for ever, yet am I not thereby bound to pay them, or ſtand any way chargeable with them. It's true, when they were Owners of Land, they might themſelves yield and ſet forth what part of their Increaſe they pleaſed, or might have given the tenth, or any other part of their Land, as they would, or they might have charged upon the Land, what Rent they liked; but they could not charge their Poſterity with that which was no way theirs, nor which in any true Senſe, Conſtruction or Underſtanding, they could be ſaid to have any Property in, and which is not paid, by reaſon of that which is derived from them; for Tithe is neither paid of Land, nor by reaſon of the Land, but is paid by reaſon of the Increaſe or Renewing; and therefore the Doctrines of the old Fathers, the Statute of *Edward* the 6th, and ſo the popiſh Laws for Tithes, do as well require the Payment of the tenth part of Mens Profits and Gain, whether by Trade, Commerce or Merchandize, as of the Fruits of the Earth, yea the tenth part of Wages, and all perſonal Increaſe, tho' not raiſed immediately by Land: And ſurely no Man will ſay, that he pays Tithe of theſe becauſe his Anceſtors charged him with them; nor will any Man allow, that another Perſon, by any Gift of his Anceſtor, can have another diſtinct Property in the tenth part of the Fruit of his Labours; and the Caſe is the ſame as to all Tithes, whether predial, perſonal, or mixt;

mixt; if I ſit ſtill and plow not, no Corn will grow: If I ſit ſtill and work not, no Profit will riſe; ſo that it's my Labour, my Diligence and Induſtry that raiſeth the Tithe, and in my Power it is, to make it leſs or more; and ſometimes, yea often it falls out, that the Tithe of Corn is thrice more worth than the yearly Value of the Land on which it grows; and herein Tithe of Corn is far more hard and unequal than perſonal Tithes; for the one pays but the tenth, all Charges deducted; the other pays the tenth of Charges and all.

Mine Anceſtor could not charge me with that which doth not accrue by reaſon of that which I have from him; nor am I bound, becauſe mine Anceſtor left me Land, to pay Tithe, which is not paid by reaſon of the Land, but of the Increaſe, unto which I am no more tied by Law, than he is who hath Increaſe without Land. If I have Land and no Increaſe, I pay no Tithes; If I have Increaſe, though no Land, I ought by Law to pay Tithes. If I huſband my Land, ſo that the Increaſe of it is not to be ſevered, no Tithe can be recovered of it; and therefore if I paſture my Land, no Tithe ſhall be paid for the Graſs, which is eaten unſevered, but only a Rate-tithe for that which doth depaſture on it; which makes it plain, that Tithe is not paid by reaſon of the Land, but of the Stock; and in that alſo, it lies in my Power to make the Tithe much, little, or nothing; if I plow and ſow Corn, the tenth part of the Increaſe is generally

generally more worth than the Land on which it grows, which comes not by the Land which deſcends from the Anceſtor, but becauſe of the Increaſe, won by the great Charge, Induſtry and Labour of the Huſbandman. If I paſture my Ground with Sheep that yield a Fleece, the Tithe will be conſiderable, though not ſo much as by Corn. If I paſture with Cows or breeding Cattle, a much leſs Tithe is paid: And if I eat with Horſes and barren Cattle, a ſmall and inconſiderable Rate is only required, tho' in few Places of the Nation would that be recovered in the times of the greateſt height of popiſh Laws. But if I plant Wood, and let it ſtand for Timber; or if I ſtore my Land with Beaſts which be *feræ naturæ*, wherein there is no perſonal Property, no Tithe ſhall be paid. Or if I will let my Land lie waſte, (which may be ſuppoſed, becauſe it may be done) or will eat my Meadow, or Corn ſtanding, no Tithe can be required. All theſe Inſtances manifeſt, that Tithe hath ſtill relation to the Stock and perſonal Eſtate, and not to the Land; and is paid by reaſon of the Stock, and not the Land; and ſo no Anceſtor could lay and perpetuate ſuch a Charge as Tithe upon it, nor could he bind his Succeſſor to it. If by my Anceſtor I am bound to pay Tithes *ratione tenuræ*, or in conſideration of the Land which he leaves me, to what Value muſt it be? I may yearly pay more than the Land he leaves me is worth: If I keep it in Tillage, and if I paſture it, I need not pay the twentieth Part; have

have I not herein (without Fraud to my Anceſtors) Power to pay much or little? How is this like a * *Rent-charge* certain, which is by ſome

* "It may be farther ſhewn, that there is no Parity of Reaſon between Tithes and a Rent-charge fix'd upon Lands; for a Rent-charge is paid by reaſon of the Land on which it is charged (in which he that charg'd had a Property) but Tithes are not paid by reaſon of the Land, but by reaſon of the Stock and Labour of the preſent Occupier of the Land. If there be no Increaſe, no Profit made, no Crop planted, nor any thing renewing upon the Land, no Tithe can be demanded. But for the Non-payment of a Rent-charge, he on whom it is ſettled, may enter upon and poſſeſs the Land which is charged with the Payment of it. But for Non-payment of Tithes, he who claims them, cannot enter upon or poſſeſs the Land, but is made whole out of the Stock of the Occupier. All which demonſtrates, that it is the Stock, not the Land, of which the Tithe is paid. Now ſince Tithes are not the tenth part of the Land, but the tenth part of the Increaſe of the Stock, and ſeeing the Labour, Care, Skill, Induſtry and Diligence of the Occupant, is involved, and neceſſarily included in the Stock, as inſtrumental means and cauſes of producing the Increaſe: A perpetual Grant of Tithes, implies a Grant not only of other Mens Stocks, in which the Granters had no Property, but of other Mens Labours, Care, Skill, Diligence and Induſtry alſo, long before they were begotten; upon which Suppoſition, all Men but Prieſts, ſince *Ethelwolf*'s time (the firſt King of *England*, who made a Grant of Tithes) muſt be born Slaves, under an Obligation to employ their Time, Pains, Induſtry and Skill, in working for the Prieſts.

But

ſome objected? If Tithes were paid by reaſon of the Land, ſurely there is moſt Reaſon, that the

---

But whether it be rational to admit in *Ethelwolf*, or any other, a Power to impoſe the Neceſſity of ſuch a ſervile Condition on their Poſterity, let the Reader judge.

And if we ſuppoſe, that *Ethelwolf* had an ample Power of diſpoſing what he pleaſed, or that the People had by Conſent joined with him in the Donation, every Man according to the Intereſt he had; yet neither could he ſingle, nor he and they conjoin'd, grant any more than belong'd to themſelves; for it is an indiſputable Maxim, that * *No Man can transfer more Right to another than he himſelf hath.* They might have diſpoſed of what Part of the Land they pleaſed, they might have given the tenth part of the Land, the tenth Acre, *&c.* But for them to make a Grant of the tenth part of the Profits of the Land for ever, is repugnant to Reaſon, Juſtice and Equity; they are therefore greatly miſtaken, who take Tithes to be no more than a Rent-charge, and urge it, *That the Owners might as well make a Grant of Tithes for ever, as ſet a Rent-charge upon their Lands for ever.*

* Nemo plus juris ad alium transferre poteſt quam ipſe haberet.

Though this Argument has been urg'd for the Reaſon and Lawfulneſs of paying Tithes, yet if we conſider impartially the Nature of each, we ſhall find a vaſt Difference: For if a Man enjoys a Farm, on which a Rent-charge is ſettled, he is chargeable with, and liable to pay it, whether he employ his Farm or not. Whence it is evident, that a Rent-charge being a Charge upon the Land, not upon the Stock, and Tithes being a Charge upon the Stock, not upon the Land, tho' our Anceſtors had Power to lay a Rent-charge upon their own Lands, in which they had a Property, yet they could not have a

Power

the tenth part of the Graſs renewing upon all Paſture-grounds ſhould be paid; for the Land ſtill

---

Power to grant Tithes out of other Mens Stocks, in which they had no Property. Again,

Tho' it ſhould be urged, *That Tithes were ſettled by thoſe that were actually ſeized of them in Law*; yet if Tithes be the tenth of the Profits or Increaſe of the Land, they who were actually ſeized of them in Law, could ſettle no more than they were ſeized of, and they could be actually ſeized of no other Profits or Increaſe, than what did grow, increaſe, or renew upon the Land, while they were actually ſeized of it: So that ſuch Settlement, how valid ſoever, while they lived, muſt needs expire with them. Hence can any one with Reaſon urge, that they who were poſſeſt of Land an hundred Years ago, could then ſettle or diſpoſe of the Profits and Increaſe that ſhall grow and ariſe upon the Land an hundred Years after, ſince that Profit cannot ariſe barely from the Land, but from the Labour, Induſtry and Stock of the Occupier? Were ever any actually ſeized of the Labour of the Huſbandman's Hands, of the Sweat of his Brows, of the Judgment, Underſtanding and Skill that God hath given him; of the Stock he employs, the Coſt he beſtows, the Care, Pains, Induſtry and Diligence he exerciſes for the obtaining a Crop?

Again, if we conſider the Practice of our Anceſtors, in their Donations of Tithes, we may find, that they did not look upon Tithes to be at all in the Nature of a Rent-charge, for they took great Care by legal Settlements, to ſecure and aſſure thoſe Rent-charges; but made no Proviſion (for ſome hundred Years) for the Payment of Tithes, ſave by eccleſiaſtical Cenſures; nor was the Knack of ſueing for Tithes

ſtill brings that with it, and it's eaſily divideable by Rent, or lett by Month. If another hath as good Right to the tenth part of the Increaſe, as the Owner hath to the nine, why can he not take it without the Owner's ſetting it out, or recover it by Action of Debt or Treſpaſs? But it is clear, there is no Title till it be ſet forth, and then if the Owner carry it away, an Action of Treſpaſs lies, becauſe he had ſet it out, and given it to another, and ſo altered his Property, as one Man doth, by marking his Cattle for another Man; and therefore it is, that the Law which commands Tithes, doth not give Power to any to take the Tithe, becauſe he had no Title, but enjoins the Owner to ſet it forth, and ſo make it another's by his own Conſent.

If any Man claim Tithes by my Anceſtor's Gift, may I not aſk him, To whom, and for what, my Anceſtors gave them? And it is plain beyond Denial, that all thoſe Gifts of Lands or Tithes in *England*, ſince *Auguſtin* the Monk planted the popiſh Faith, and preached up the new Payment of Tithes, there given to popiſh Prieſts, for ſaying Prayers for the Souls of the Givers, and their deceaſed Anceſtors,

---

Tithes in temporal Courts found out, till of late Years; which argues, that as they gave Tithes at firſt in a religious (though blind) Devotion, ſo they intended the Continuance of them ſhould have depended on Devotion alſo." *Thomas Ellwood*'s Foundation of Tithes ſhaken.

Anceſtors, as old Conſecrations do witneſs: And therefore in Reaſon, if the Conſideration and Service be ceaſed, ſo ought alſo the Wages; for no Man in Law or Equity, ought to claim Wages when he will not do the Work for which it was given; and ſeeing thoſe popiſh Prieſts and Prayers are laid aſide, the Gift (if any ſuch were, and could be binding) ought to return to the Donor, and may not without his Conſent be perverted to another Uſe.

SHEPHERD. "Tithe was never claimed in reſpect of any "Ownerſhip in the Land, but *ex debito*, by "the Law of God, for Subſtraction whereof, "no Remedy lay at the common Law; and "therefore, if a Parſon lett a Leaſe of his Glebe "to another, with all the Appurtenances, yet "he himſelf ſhall have Tithe of it."

COKE. "*Terra non ſunt decimabiles*; and therefore "neither Mines nor Quarries of Iron, Braſs, "Tin, Lead, Coals, Stones, Tile, Brick, or "Lime, are titheable, nor Houſes, nor Trees, "nor Graſs, nor Corn, till they be ſevered "from the Land, the real Eſtate which de-"ſcends by Inheritance from the Anceſtor, "and made a diſtinct perſonal Poſſeſſion."

Conſimilar is Felony and Treſpaſs between freehold and moveable Goods.

And therefore Tithe is not paid of Land, nor by reaſon of the Land, nor is it a Charge upon Land, like a Rent-charge, nor was it ever ſo claimed, till of late, that the popiſh Covers were not broad enough.

Object. But ſome object and ſay, *When I bought my Land, I bought not the Tithe, nor paid any thing for it.*

Anſw.

Anſw. I anſwer, That I and all Men bought all our Land, and that without any Charge of Tithe upon it; and therefore in all Conveyances it's ſtill ſaid, *All that*, &c. and never any Covenant for, or Exemption of a tenth part, either of Land or Increaſe; and to him that ſaith, the *Seller*, or *his Anceſtor*, *charged it with Tithes as a Rent*, I ſay, where a Rent is charged, it is ſtill expreſſed; and find any ſuch Exemption or Covenant, and I will freely pay them as a juſt Debt. And is it not ridiculous for any to talk of purchaſing his Tithe? For with his Labour, Charge and Huſbandry, he pays dear enough for his whole Increaſe.

Obj. Another objects, *That though I bought all my Land, yet I bought it cheaper, (becauſe it was ſuppoſed, that it ought to pay Tithes) than I could have bought ſuch Land as was known to be Tithe-free; and therefore having a cheaper Bargain, I am bound in Equity to pay* * *Tithes.*

* *N. B.* Let the Reader conſider, *What it is the Purchaſer buys, and what it is Tithes are demanded of.* The Purchaſer buys the Land, and that he buys intire. No Tithe-land, no tenth Acre, is ever excepted expreſly or implicitly; but he buys the whole Field or Farm, the tenth part as well as the nine. But in this Purchaſe he buys the Land, not the Profits or Increaſe, which by Huſbandry and manuring may ariſe upon the Land in time to come; for they are uncertain, and the Seller who makes him an Aſſurance of the Land, will not undertake to aſſure him a future Increaſe and Profit from the Land; nor were it reaſonable to expect it. When therefore he has

Anſw. I anſwer, that I have already proved all Land is Tithe-free, and the Charge of Tithe is

---

has this Land, if he will have Profit and Increaſe from it, he muſt purchaſe that after another manner. He pays for that, (and many times dear enough too) by the Labour and Charge he beſtows in tilling, dreſſing, and manuring it. And if in this Senſe, he may be ſaid to purchaſe the nine Parts of the Crop or Increaſe, in the ſame Senſe he purchaſeth the tenth part alſo, for he beſtows his Charge and Pains on all alike; and the tenth part ſtands him in as much as any one of the nine. Thus then the Buyer firſt purchaſeth the Land, and afterwards the Occupier, whether Owner or Tenant, purchaſeth the Crop. The one buys the Land by laying down ſo much Money, the other obtains the Crop, by beſtowing ſo much Charge, and ſo much Labour, *&c.* And as in the Purchaſe of the Lands, the Buyer doth as really buy the tenth Acre, or tenth part of the Lands, as the ninth or any other part of the nine; ſo in the Purchaſe of the Crop, the Occupier doth as really purchaſe the tenth part of the Profits and Increaſe, as he doth the ninth, or any other part of the nine; and after the ſame manner, he lays his Dung on all alike, he ſows his Seed on all alike, he plows all alike, he beſtows Pains and Charge, and exerciſes his Skill and Care equally on all. Thus it appears, that Tithes are really purchaſed by them, by whom the nine parts are purchaſed, and do really belong to them, to whom the nine parts do belong; whether Tithes be underſtood of Lands or of Profits. If of Lands, the Purchaſer doth as really buy the tenth Acre, as any of the nine, and gives as much for it. If of Profits, the tenth Sheaf, or tenth part of the Crop, doth coſt the Occupier as much to the full, as any other of the nine parts.

is upon the Stock and perſonal Eſtate, and not upon the Land. And the Strength of this Objection lies, in comparing thoſe that pay Tithes with thoſe that are free; they that buy Lands Tithe-free, are eaſed of this Oppreſſion, and are in no hazard; and though all others ought to be ſo, yet it being a Queſtion, whether they can eaſe themſelves of the Burden, they buy under an hazard, and as ſubject to ſuch a Charge; but if they can caſt off the Yoke, they get but what is their own: And ſeeing we have denied the Pope's Authority and Supremacy, we may ſo ſoon as we can, wholly caſt off the Burdens which he laid on us. And thus, he that buys Lands in the Years of Trouble and heavy Taxes, may perhaps buy much cheaper than when none, or little, is paid: Shall he therefore always be required to pay Taxes when others are diſcharged? Or ſhall he that bought cheap Pennyworths on the Borders between *England* and *Scotland*, when thoſe Parts were infeſted with Moſſe-troopers, always maintain, or pay Tribute to Thieves and Robbers? We bought Land when the Pope's Yoke was upon our Necks, and if we caſt it from us, we may, by as good Reaſon, be eaſed of our Tithes, as they of their Taxes. But if I bought cheaper, what is that to the State, or to a Prieſt? If in Equity I be bound to pay any more, it is moſt juſt, that he have it of whom I bought my Land, and not another.

There are others who *plead a legal Right by Preſcription, and that they have a good Right, becauſe they have ſo long poſſeſſed them.*

This was the old Device, firſt to preach that Tithes were due, and then to limit them to the Pariſhes, and when forty Years were paſt, to claim them as a Debt, which before was paid as Charity, or at moſt as a free-will Offering of the Owner. And thus the Pope got Firſt-fruits and Tenths, and Peter-pence, and many * great Sums out of this and other Nations, which long continued; and he might as well have pleaded his Preſcription, as any of his Branches now can do. Is any ſo blind, as not to ſee what poor Shifts are now made, to uphold ſo great an Oppreſſion, which can find no better Ground for its Support than this, *that it hath been ſo long continued?* But ſhall the Continuance of an Oppreſſion give Right to perpetuate the Grievance? How many great and heavy Preſſures, in other things, did long lie on this Nation, of Cuſtoms and Practices of former times, which daily were, and ſtill have been aboliſhed, as LIGHT did more and more increaſe? Witneſs thoſe many Laws and Statutes made, and now in force, aboliſhing the Uſages and Cuſtoms of former Ages; but yet this is a great Miſtake, for by the common Law (and the old popiſh eccleſiaſtick Law is out

* In. temp. *Hen.* 3. the Pope had above 120000*l. per Annum*, out of this Nation, which was then more worth than the King's Revenue.

out of doors) no Man can preſcribe to have Tithes, though many may preſcribe to be free from Tithes, or part thereof; for he that claims Tithes (except Impropriators, to whom I ſhall ſpeak hereafter) muſt claim them as a Parſon, Vicar, or other called eccleſiaſtick Officer, and, (as I have hinted before) he claims them not as ſuch a Perſon, but as ſuch an Officer, and the Preſcription (if any were) is to his Office. Now if no ſuch Office be in Being, his Claim is at an End: That there is now no ſuch Office, is plain; for when *Hen.* the 8th renounced the Pope, he was declared by Act of Parliament (which was aſſented to by all the Clergy in their Convention) to be the Head of the Church; and all Archbiſhops, Biſhops, and all others in eccleſiaſtical Orders, were no longer to hold of the Pope, but of the King, and not to claim their Benefices by Title from the Pope, but of the King, by virtue of that Act of Parliament. And here the Succeſſion from the Pope was cut off, and diſcontinued; and the King, by his new Authority as Head of the Church, made Biſhops, and gave them Power to make Parſons, Vicars, and others called eccleſiaſtick Officers. Afterwards, as the King renounced the Pope, ſo the Parliament of *England* laid aſide Kings, who had aſſumed the Title and Stile of Head of the Church, and alſo aboliſhed Archbiſhops and Biſhops, and all their Dependencies, Root and Branch: And here the whole eccleſiaſtick State was diſſolved, and the Body fell with the

Head, and the Branches with the Root; both Parſons, Vicars and Curates, and all the whole Progeny and Off-ſpring, and ſo all their Right, Title and Claim to Tithes, was and is at an End, as is more plainly, and more fully, ſet forth in a late printed Paper, by *Jer. Benſon*, to which I refer.

And now I come to the laſt, thoſe that claim by Purchaſe, and theſe are the Impropriators, and they ſay, *They have bought them of the* STATE, *and have paid great Sums of Money for them, and many of them have no other Subſiſtence.*

To theſe I anſwer, That I have ſhewed before, that in the Root all Tithe is alike, whether it be now claimed by a Prieſt or an Impropriator, and both muſt fall together. And ſeeing thoſe that ſold them had no good Title, neither can theirs be made good which is derived from them. But ſeeing it was the State that ſold them, and that the whole Nation had the Benefit of their Moneys, it is equal and juſt, when they cannot have what is ſold, that their Moneys be repaid; to which Point I ſhall ſpeak more fully hereafter, in Anſwer to an Objection which I meet with in my way, needful to be reſolved.

And thus I have briefly gone over the whole matter, and heard what every one can ſay, and have returned them Anſwers, by which it doth plainly appear, that no Man at this day can claim Tithe of another, either by divine or human

human Right; and that Tithes are neither due by the expreſs Law of God, nor by the Equity of that Law, nor by the Decrees of the Church, nor Grants of Kings, nor Laws of Parliaments, nor Gifts of the People, nor Preſcription of the Poſſeſſors, nor the Purchaſe of Impropriators.

It now only remains, that I anſwer ſome general Objections, which I ſhall do in as much Brevity as I can, and ſo leave the whole to the Reader.

The firſt is made by the *State.*
The ſecond by *Impropriators.*
And the third by *Pariſh-miniſters.*

And all theſe together object and ſay, *That though it ſhould be granted, that the Right of Tithes cannot be proved, yet if it be found, that taking them away will bring great Loſs to the publick Revenue, much Damage, if not Ruin, to many particular Perſons and Families, and great Hazard of bringing Confuſion to the Nation, by ſuch a great Alteration, after ſo long a Settlement, and endanger the very publick Profeſſion of Religion, by taking away Miniſters Maintenance, and conſequently Miniſtry itſelf; it is not Prudence for ſatisfying ſome, to bring ſo many and great Inconveniencies upon the Nation.*

Theſe Objections plead not for the Right of Tithes, but againſt the removing of them, to prevent Inconvenience; and if the one be granted, that Tithes are an innovated popiſh

Exaction and Oppreſſion; and neither due by the Law of God or Man, ſuch Conſiderations as theſe ought not to obſtruct the Removal of ſo heavy a Grievance and Oppreſſion, but that which is juſt ought to be done, which is a general Good to the whole Body, and almoſt every individual Member; and then ſuch Parts as are found grieved, may be afterwards eaſed and relieved; and though all theſe ſhould in ſome meaſure ſuffer, it were but juſt, ſeeing their Compliance with the Oppreſſor, hath brought ſuch a general Yoke and Burden upon the whole Body, and now they are become the only Obſtructions of the general Eaſement and publick Freedom.

And yet a few Words I ſhall anſwer to every one, and firſt to the STATE, which complains of a great Loſs by taking away Firſt-fruits and Tenths, which are paid out of Tithes.

Jerom in Ezek. ch. 44. ver. 28, &c.

When the Pope had eſtabliſhed the Payment of Tithes, and ſet up a new Hierarchy, after the Pattern of the *Jewiſh* Prieſthood, he took upon himſelf to be Succeſſor to the *Jewiſh* High-prieſt, and claimed Tenths from all his inferior Prieſts, *jure divino*; and in Proceſs of time he got to himſelf, by the like colour, Firſt-fruits alſo; and though it was long e'er he brought his Work to paſs in *England*, yet at laſt it was effected: You may by theſe following Inſtances know, how much our *Engliſh* Nation ſtruggled againſt them.

2 Ed. 3. Rot. Clauſ. M.

The King forbad *H. P.* the Pope's Nuncio, *to collect Firſt-fruits.*

The

The Pope's Collector *was willed no longer to gather the Firſt-fruits, it being a very Novelty, and no Perſon was any longer to pay them.*

The Commons petition, *that Proviſion may be made againſt the Pope's Collectors for levying of Firſt-fruits.* 4 Par. 1 Ri. 2. Nu. 66.

The King in Parliament anſwers, *There ſhall be granted a Prohibition in all ſuch Caſes, where the Pope's Collectors ſhall attempt any ſuch Novelties.* Rol. Parl. 4. R. 2. Nu. 50.

Upon Complaint made by the Commons in Parliament, the King willeth, *that Prohibitions be granted to the Pope's Collectors, for receiving of Firſt-fruits.* Rol. Parl. 6. R. 2. Nu. 50.

Firſt-fruits, by Arch-biſhops and Biſhops to the Pope, were termed *an horrible Miſchief, and damnable Cuſtom.* 6. H. 4.

The Pope's Collectors *were required from thenceforth not to levy any Money within the Realm, for Firſt-fruits.* Rol. Parl. 9 H. 4. N. 43.

The Pope thus claiming Firſt-fruits and Tenths as annexed to his Chair, Succeſſor to the *Jewiſh* High-prieſt, and Head of the Church, continued to collect them, till *Hen.* the 8th, diſcontented with the Pope, tho' himſelf was a Papiſt, renounceth the Pope's Supremacy, and aſſumes it to himſelf; and by Act of Parliament in the 26th Year of his Reign, got Firſt-fruits and Tenths annexed to his Crown, as Head of the Church; and ſo himſelf became worſe than the Pope, taking the Wages, but not doing the Pope's Work: And that which before by Parliaments, in the height of Popery,

was

was declared as a damnable Cuſtom, was now, in the Beginning of Reformation, made a Foundation-ſtone to ſupport the Greatneſs of the new made Head.

Afterwards, Queen *Mary*, not daring to aſſume the Headſhip of the Church, did relinquiſh, and by Act of Parliament, wholly took away Firſt-fruits and Tenths, ſhe doing no Work to deſerve ſuch Wages. And what a Shame is this to our Nation, and our great Profeſſions, after ſo long Talk of Reformation, now to plead for ſuch Wages of Unrighteouſneſs, firſt exacted by the Pope, and then by ſuch as aſſumed to themſelves the Stile of Head of the Church, who upon that very Account had them annexed to the Crown? And ſhall we now, who pretend to have caſt off the Pope, and left the Headſhip of the Church to Chriſt, (worſe-like than Queen *Mary)* uphold ſuch wicked Oppreſſions, which are the Ground of a great part of good Mens Sufferings for Tithes this Day? For the Pretence of paying Tenths is the Ground of the many Suits for Tithes in the Exchequer, where otherwiſe by Law they could not, nor ought to be recovered. And as to the *publick Revenue*, I am informed they add not much thereunto, but all, or a great part of them, are given in Augmentations to Prieſts, who, no doubt, will receive them without Scruple; tho' I know, many of them, not long ſince, did complain againſt them as a popiſh Oppreſſion. But take away Tithes, and there are as many Glebe Lands will fall to the

the State, as will fully make up that Loſs, which they may as well take away, as their Predeceſſors did the Revenues of Abbeys and Monaſteries; and when the People are eaſed of Tithes, they will be better able, and more willing, to enlarge the publick Treaſury, if it be found wanting.

But it's hoped, our State rather looks at the Freedom of the People, than the Increaſe of the Revenue; ſeeing ſo lately they took away the Profits of the Court of Wards, which was a much better and greater Income, and granted many great Men ſuch Freedom for nothing, as they could neither in Right claim, nor in Reaſon expect, without a very great Sum, their Eſtates being given to them to hold by ſuch Services; and ſurely, they will not deny the poorer ſort of People their own and dear bought Increaſe.

Secondly, *To Impropriators, and ſuch as have more lately bought Tithe-rents.*

And to theſe I ſay, though it be a general Rule, *Caveat Emptor*, yet ſeeing the Ignorance of former Days (but peeping out of Popery) did take it for granted (both Buyer and Seller) that the Title was good; and ſince the Purchaſers did pay great Sums of Money for them to the State, which went to the bearing and defraying the publick Charge of the Nation, it is juſt that they have a moderate Price for them, with which I believe moſt (if not all) of them would

would be well pleaſed and content; only in the Eſtimate of that Rate they muſt conſider, that they have bought no more, but what the Abbey, Monaſtery, or other diſſolved Houſe had; and theſe Houſes, out of their appropriate Tithes, were to find a ſufficient Prieſt or Curate, canonically inſtituted, which was to have Allowance at the Diſcretion of the Biſhop of the Dioceſs, and alſo a convenient Portion of the Tithe was to be ſet apart for the yearly Maintenance of the Poor of the Pariſh for ever, as is provided by divers Acts of Parliament. And after the Diſſolution and Sale of Tithes, the like Charge was, and ought to be continued upon them, as at large is proved in a Treatiſe called, *The poor Vicar's Plea*; and let but ſuch Purchaſers look to their original Grants, and they ſhall find, that the yearly Value was but little, and the Rate ſmall, after which they paid for them; and in regard of the Charges and Hazards upon them, they were ſeldom, or never eſteemed more worth than ten Years Purchaſe, and that Rate, at an indifferent yearly Value, may well be accepted for them.

This Anſwer will pleaſe the Impropriator well, who hath not been without his Fears to loſe his Tithes, and get little or nothing for them; and it cannot much diſpleaſe others, becauſe it is equal and juſt, that ſeeing he cannot have what is bought, he have his Money returned without Loſs.

But the great Difficulty ſeemeth, the raiſing of ſo great a Sum of Money, and who ſhall pay

pay it? For firſt, there are many who plead, *Our Lands are wholly Tithe-free:* Others ſay, *we pay a Rate, or ſmall Preſcription-rent, or have a* modus decimandi, *and our Tithe is very ſmall, tho' our Lands be of good Value.* Others ſay, *We have converted our Lands into Paſtures, and pay little Tithe; and therefore it ſeems not equal, that we ſhould pay as much as thoſe, whoſe Lands conſiſt of Tillage, whoſe Tithes are often as much worth as the Land.*

I anſwer, That the raiſing of this Sum, is not to follow the Rate of Tithe, nor hath it any Relation to Tithe; for if it had, many would as juſtly ſcruple the Payment of any thing towards it, as they do the Payment of Tithes; but the Caſe muſt be thus conſidered: At the Diſſolution, Tithes of Abbeys, Monaſteries, *&c.* were taken into the hand of the State, they ſold them, and the Money raiſed, went to the defraying and carrying on the great Charge then upon the Nation, as it was of late in our Days, when Tithe-rents were ſold; and at that Day, there were Wars with *France* and *Scotland*, and many great Exigences of State, as the Statutes for the Ground of the Diſſolution ſhew: And in the Service and Uſe of theſe Moneys, the whole Nation, and every Man therein, had his Share, and ſo far as thoſe Moneys went, the People were ſpared, as the Caſe was with us of late; and ſo he that had Land Tithe-free, and he that paid only a ſmall Rate for Tithes, and he that had Paſtures and no Tillage, all theſe ſhared in the Sum, yea,

and

and the very Impropriator himſelf, and not according to the Proportion of Tithing, but according to the Value of their Eſtates in Lands or Goods, and by which they had been otherwiſe chargeable: And ſo the Impropriator depoſiting ſo much Money upon a Pledge, the one being required, the other muſt be returned, and by a general Tax it muſt be raiſed, wherein every one muſt bear his Proportion, the very Impropriator himſelf.

But then in comes he that bought the Lands of Abbeys, *&c. which*, he ſaith, *the Pope had made Tithe-free, and that when he bought his Land, he alſo paid for the Tithe, and ſo he muſt either be freed from paying to the Impropriator, or muſt have his Money returned as well as he.*

I anſwer, Though there are many ſuch Purchaſers, yet I believe, to the freeing the Nation from this great and long continued Oppreſſion, they, or moſt part of them, would be content to contribute without any ſuch Demand. But if any ſtand upon it, let him ſhew *what he paid for his Tithe*, and he ſhall have it, which was not a Penny; for, ſearch the Court of Augmenations, and it will be found, that there was not in the Value of Land, the leaſt Difference made between Tithe-free, and that which paid Tithes; as there was not of late, in the Sale of Biſhops, and Dean and Chapters Lands, many of which alſo were as much Tithe-free; and ſo if they bought Land Tithe-free, as cheap as if they had paid Tithes, they have

have had Profit enough, and may now well afford to pay with their Neighbours.

Thirdly, *To Pariſh-miniſters.*

And with theſe I deſire a little to expoſtulate the matter, firſt, as touching the *End of their Work*; and ſecondly, as to the *Way of their Maintenance.* Their Work, as they pretend, is to preach the Goſpel, and to propagate Religion. Now I would aſk them, why they ſuffer (not only ſo many Villages, Country-towns, and Pariſhes, but) even great and populous Cities and Market-towns, and whole Corners of Countries, to lie deſtitute, who never could get any other Miniſter, than a poor Vicar or reading Curate; they will preſently anſwer me, There is no Maintenance, and without that they cannot live. If I aſk them farther, why there is no Maintenance? They will tell me, It is either a City or Market-town, to which there belongs no Land, and ſo no Tithes; or it is an Impropriation, and pays only a ſmall Stipend; or the Lands are Tithe-free, or claim Cuſtoms and Preſcriptions, and only pay ſmall Rates for Tithes; or otherwiſe the People have converted their arable Lands into Paſtures, and their Tithe is of ſmall Value, and will not afford a Maintenance. I would yet aſk them again, Is not a third part of the Nation in this Condition? And muſt they never have an able Miniſter? Have they no Share in your Goſpel, becauſe they have no

no Maintenance? Are none of you called to ſuch Places? Or hath Chriſt no Seed of Election amongſt them? If this be not your Doctrine, yet your Practice preacheth it. And if you were really for ſpreading your Goſpel, you would forthwith throw away Tithes; for ſo long as they continue, there can never be any Poſſibility of raiſing Maintenance in ſuch Places.

And ſecondly, as to *their Maintenance*; Is there any Indifferency, Equality, Proportion or Juſtice in their preſent way of Tithing? One Man pleads he is to pay nothing to a Miniſter, becauſe the Pope hath given him a Diſpenſation, and made his Land Tithe-free. Another Man ſaith, he hath a Preſcription to pay but a Penny (it may be) for the Value of a Shilling. Another ſaith, he hath converted his Lands into Paſtures, and hath by his Artifice ſo ordered it, that little is due for Tithes. Another ſaith, he dwells in a City or Market-town, and hath no Land, though it's like he gains more by Trade, then ten poor Country-men that pay Tithes do by their Lands. Another ſaith, he pays Tithe to an Impropriator, and he cannot afford to pay both him and a Miniſter. Is this your equal way of Maintenance, ſo long upheld and pleaded for? And have you not a more righteous Rule? The Rich generally pay little, and the poor Huſbandman bears the Burden, even he that ſupplies the Nation with the Staff of Bread, who is notwithſtanding at more Charge in his Huſbandry than

than any other; and out of the Tithe of ſuch Country-pariſhes of Tillage, generally great Sums are paid for Augmentations, to Cities and Market-towns, when the Inhabitants, that have far greater Gains by Trading, go free. For Shame, at length follow the Example of your neighbouring reformed Churches, and throw away Tithes as an old Relick of Popery, and no longer halt between two, and betake yourſelves to a more Goſpel-like way of Maintenance; for Light now breaks forth, and Pretences will no longer cover.

It's like you will anſwer, *We confeſs, the preſent way of Maintenance by Tithes is very unequal, unleſs the whole Nation could be brought to quit all their Cuſtoms and Preſcriptions, and pay Tithe in Kind; and alſo all Merchants and Tradeſmen would pay the tenth part of their Gains, as was by the Pope enjoined, but that will never be done; and therefore it's better to hold ſome, than loſe all; for we know not what better way would be provided: But ſhew us, how we may have a comfortable and certain Maintenance, and more like the Goſpel, and we ſhall moſt willingly quit the one, and embrace the other.*

To this I anſwer, That there is a Way, which as it would eſtabliſh the Nation upon a ſure Foundation of true Freedom (as to the Conſcience) giving Content to all ſeparated Congregations, Societies and Perſons; ſo would it upon the ſame Baſis of Liberty, hold forth full Satisfaction to all People of the Nation,

no Maintenance? Are none of you called to ſuch Places? Or hath Chriſt no Seed of Election amongſt them? If this be not your Doctrine, yet your Practice preacheth it. And if you were really for ſpreading your Goſpel, you would forthwith throw away Tithes; for ſo long as they continue, there can never be any Poſſibility of raiſing Maintenance in ſuch Places.

And ſecondly, as to *their Maintenance*; Is there any Indifferency, Equality, Proportion or Juſtice in their preſent way of Tithing? One Man pleads he is to pay nothing to a Miniſter, becauſe the Pope hath given him a Diſpenſation, and made his Land Tithe-free. Another Man ſaith, he hath a Preſcription to pay but a Penny (it may be) for the Value of a Shilling. Another ſaith, he hath converted his Lands into Paſtures, and hath by his Artifice ſo ordered it, that little is due for Tithes. Another ſaith, he dwells in a City or Market-town, and hath no Land, though it's like he gains more by Trade, then ten poor Country-men that pay Tithes do by their Lands. Another ſaith, he pays Tithe to an Impropriator, and he cannot afford to pay both him and a Miniſter. Is this your equal way of Maintenance, ſo long upheld and pleaded for? And have you not a more righteous Rule? The Rich generally pay little, and the poor Huſbandman bears the Burden, even he that ſupplies the Nation with the Staff of Bread, who is notwithſtanding at more Charge in his Huſbandry than

than any other; and out of the Tithe of ſuch Country-pariſhes of Tillage, generally great Sums are paid for Augmentations, to Cities and Market-towns, when the Inhabitants, that have far greater Gains by Trading, go free. For Shame, at length follow the Example of your neighbouring reformed Churches, and throw away Tithes as an old Relick of Popery, and no longer halt between two, and betake yourſelves to a more Goſpel-like way of Maintenance; for Light now breaks forth, and Pretences will no longer cover.

It's like you will anſwer, *We confeſs, the preſent way of Maintenance by Tithes is very unequal, unleſs the whole Nation could be brought to quit all their Cuſtoms and Preſcriptions, and pay Tithe in Kind; and alſo all Merchants and Tradeſmen would pay the tenth part of their Gains, as was by the Pope enjoined, but that will never be done; and therefore it's better to hold ſome, than loſe all; for we know not what better way would be provided: But ſhew us, how we may have a comfortable and certain Maintenance, and more like the Goſpel, and we ſhall moſt willingly quit the one, and embrace the other.*

To this I anſwer, That there is a Way, which as it would eſtabliſh the Nation upon a ſure Foundation of true Freedom (as to the Conſcience) giving Content to all ſeparated Congregations, Societies and Perſons; ſo would it upon the ſame Baſis of Liberty, hold forth full Satisfaction to all People of the Nation,

both as to Miniſtry and Maintenance, and would be as acceptable to every one, as the taking away Tithes. But I have ſaid enough at once, and when this is a little digeſted, the other will be more fit to be propoſed.

Only to ſuch as fear Confuſion, or Trouble, or Loſs to the Nation, by taking away Tithes, I would ſay a few Words: Do but look into almoſt every Country-town, and there ſhall you find Debate, Strife and Variance, either between Man and Man, or between Pariſhes and their Miniſters, either about Tithe itſelf, the Quantity, or the ſetting it out; look into Courts, and there you ſhall find Suit upon Suit; and at Aſſizes, and before Juſtices of Peace, Multitudes of Trials and Judgments about them: Look into Priſons, and there you ſhall find not a few reſtrained, and lying under great Oppreſſions, becauſe they cannot pay them: And theſe Suits and Troubles are daily increaſing, and the Number of thoſe that will not pay them, and theſe are no ſmall Confuſions in our State; for it is evident, there are more Suits and Strife, and Difference about Tithes, than any one thing whatſoever in the Nation; and how ſoon might all theſe be ended, and every one ſatisfied, by *taking away Tithes?* And then do but look upon the many Moors, Commons and Waſtes, in the Nation, amounting to a full third part of the whole, as hath been computed, to the many great Paſtures and Meadows decayed for want of Tillage, to the many Countries which are turned into Paſtures

and

and Meadows, becauſe of the great Charge of Tillage, Huſbandry, and the unreaſonable Payment of a clear tenth part, which in moſt Places is half the Profit; and it will be found, nothing does ſo much hinder the Improvement of the Nation, which would eaſe the publick Burdens, and would ſoon be of more Advantage than Firſt-fruits and Tenths. Nothing ſo much hinders Tillage, which often puts the Nation upon hazard of Ruin, and forceth us to ſeek Bread out of other Countries at immoderate Rates; whenas this Nation is generally ſo fit for Corn, that it might be as a rich Granary, not only for our own Supply, but Relief of our Neighbours when they want. I might ſay a great deal more upon this Subject, but much to this Purpoſe hath been ſaid by others, and therefore I ſhall conclude.

And let no Man henceforth think it ſtrange, that any ſhould refuſe to pay Tithes; *but rather wonder*, that any will do it.

20 AP 57

THE APPENDIX.

AN ACCOUNT OF TITHES In GENERAL.

By THOMAS ELLWOOD.

THE only Command from God, that we read of in holy Scripture, for the Payment of Tithes, was given by *Moſes* to the People of *Iſrael*, in the time of the *levitical* Law. Then God firſt reſerved to himſelf the Tithe of the Land of *Canaan*, Lev. xxvii. 30. which he did for this Reaſon; that, intending to take the Tribe of *Levi* more peculiarly into his Service (as he did, *Numb.* iii. 6. inſtead of, or in exchange for all the Firſt-born of *Iſrael*, Ver. 12, 13, and 45. and Chap. viii. Ver. 18. having before reſerved and appropriated the

First-born to himſelf, *Exod.* xiii. 2.) he might beſtow thoſe Tithes on the *Levites*, for and towards the Maintenance of that whole Tribe, as a Reward for their Service in the Tabernacle of the Congregation, *Numb.* xviii. 21, 31. and in Lieu of, and Compenſation for, their Part or Share of and in the Land of *Canaan*, which thereupon they were expreſly cut off from, Ver. 20, 23, 24.

2. Now although it was grounded on a Principle of moral Juſtice and Equity, that the *Levites*, thus engaged in a continual Attendance on a publick Service, and ſhut out from their Share in the Inheritance of the promiſed Land, ſhould receive a ſufficient Maintenance from them for whom they performed that Service, and who enjoyed their Part of the Land: Yet the aſcertaining of the *Quota* of that Maintenance to the exact Proportion of a tenth part of the Increaſe of the Land, was not grounded on moral Juſtice, but had its Dependance on the ceremonial Law, adapted and limited to the Polity of that Diſpenſation and People only. And that it might not be extended beyond its appointed Time and Bounds, it pleaſed the divine Wiſdom to ſubject it to ſuch ceremonial Circumſtances, as plainly rank it among thoſe carnal Ordinances (Rites or Ceremonies) which were impoſed but *till the Time of Reformation*, ſpoken of, *Heb.* ix. 10. For as God appointed the *Levites* to be offered for a *Wave-offering* by *Moſes*, in the Name and on the Behalf of the Children

Children of *Iſrael*, when he ſaid to *Moſes*, *Thou ſhalt bring the* Levites *to the Tabernacle of the Congregation, and thou ſhalt gather the whole Aſſembly of the Children of* Iſrael *together*; *and thou ſhalt bring the* Levites *before the Lord, and the Children of* Iſrael *ſhall put their Hands upon the* Levites: *And* Aaron *ſhall offer* (in the Margin *wave*) *the* Levites *before the Lord, for an Offering* (in the Margin *Wave-offering*) *of the Children of* Iſrael, *that they may execute the Service of the Lord.* Numb. viii. 9, 10, 11. So the Tithes which were aſſigned for the Maintenance of the *Levites*, were to be firſt offered, by the People, as an *Heave-offering* unto the Lord. (*The Tithes of the Children of* Iſrael, *which they offer as an Heave-offering unto the Lord, I have given to the* Levites, *&c.* Numb. xviii. 24.) And even the Tithe of thoſe Tithes, which the *Levites* were to yield unto the Prieſts, were to be offered by the *Levites*, as an *Heave-offering* to the Lord, before the Prieſts might have them. *Thus ſpeak unto the* Levites, (ſaid God to *Moſes*) *and ſay unto them, When ye take of the Children of* Iſrael *the Tithe which I have given you from them for your Inheritance*; *then ye ſhall offer up an Heave-offering of it for the Lord, even a tenth part of the Tithe. And this your Heave-offering ſhall be reckoned unto you, as though it were the Corn of the Threſhing-floor*, &c. *Thus ye alſo ſhall offer an Heave-offering unto the Lord, of all your Tithes, which ye receive of the Children of* Iſrael: *And ye ſhall give thereof the Lord's Heave-offering to* Aaron *the*

Prieſt, Ver. 26, 27, 28. This makes it evident, beyond doubting, that the Tithes which were given by the People to the *Levites*, and by the *Levites* to the Prieſts, under the Law, had their Dependance on the ceremonial Law, as that Prieſthood had; and were to ſtand no longer than that Law and that Prieſthood ſtood: Which was but till SHILOH came, and by the offering of himſelf once for all, had put an End to all the ſhadowy Offerings under that Law.

3. This the Author of the Epiſtle to the *Hebrews* did ſo well underſtand, that he poſitively declared, that *the* levitical *Prieſthood being changed, there was made of Neceſſity a Change alſo of the Law*, (of that Law, by which that Prieſthood and the Maintenance of it had ſtood) See *Heb.* vii. 12. And 'tis alſo evident from Scripture and primitive Antiquity, that neither the Apoſtles themſelves, nor (for ſome Ages after them) any of the *Chriſtians* did meddle with, or at all concern themſelves about Tithes; but let them totally fall, as they did the other abrogated part, *viz.* Offerings, *&c.* and of the ceremonial Law of *Moſes*.

4. But after that the Myſtery of Iniquity, which in the Apoſtles time began to work, (2 *Theſſ.* ii. 7.) had wrought to that degree amongſt ſome *Chriſtians*, and had drawn them ſo far from the Purity and Simplicity of the Goſpel, as to form and model the Church in many

many things, by and according to the *Jewiſh* Pattern, amongſt other ceremonial Parts of the *Jewiſh* Religion, which had been aboliſhed by the Coming and Death of Chriſt, Tithes were preached up again (about the latter-end of the fourth Century, and beginning of the fifth) by ſome, at firſt, under the Notion of Alms and Charity (becauſe part of the Tithes under the *levitical* Law were appointed for the Maintenance of the Fatherleſs, the Widow, and the Stranger, *Deut.* xiv. 28, 29.) and by others, as then ſtill due by the *Moſaic* Law, which had required them to be paid to the *levitical* Prieſthood. Which Plea afterwards (Corruptions increaſing in the Church, and in thoſe eſpecially who were called the Churchmen, or Clergy) more and more prevailing, the Payment of Tithes was re-introduced, as due by thoſe *levitical* Laws, which had been given to the *Iſraelites* of old. And upon that bottom Tithes have ſtood, been claimed, and the Claim defended unto this Day.

5. Now, not only he that thus claims and receives Tithes; but he that conſents to, and complies with ſuch Claim, by paying Tithes thus brought in, and thus claimed, doth thereby implicitly, and virtually (at leaſt) deny that Chriſt has put an End to the ceremonial Law of *Moſes*, and conſequently that he is come, and hath ſuffered in his Fleſh for Mankind. And that this may appear as plain as is poſſible, I ſhall draw the matter into an Argument, thus:

To

To uphold any thing, as ſtill in force, which was to be taken away, and ceaſe at and by the Death of Chriſt, is to deny that Chriſt is come, and hath ſuffered in his Fleſh for Mankind.

But to receive, or pay Tithes now, is to uphold a thing, as ſtill in force, which was to be taken away, and ceaſe at and by the Death of Chriſt:

Therefore to receive, or pay Tithes now, is to deny that Chriſt is come, and hath ſuffered in his Fleſh for Mankind.

The *Major* muſt be granted, and the *Minor* I thus prove.

Whatſoever was a part of the ceremonial Law of *Moſes*, was to be taken away, and ceaſe at and by the Death of Chriſt;

But Tithes were a part of the ceremonial Law of *Moſes*;

Therefore Tithes were to be taken away, and ceaſe at and by the Death of Chriſt:

The *Major* here again is unexceptionable; and the *Minor* is thus proved:

Every Heave-offering among the *Jews* was a part of the ceremonial Law of *Moſes*;

But

But Tithes were an Heave-offering among the *Jews*, Numb. xviii. 24.

Therefore Tithes were a part of the ceremonial Law of *Moſes*.

6. By this it appears, that without regard had of the Perſon to whom, or the Uſe for which Tithes are paid, the paying of Tithes (as well as the receiving them) being a part of the abrogated ceremonial Law of *Moſes*, imports a Denial of the Coming and Death of Chriſt. Hence it is, that Tithes have been, and are commonly called *Antichriſtian*, or *againſt* Chriſt. And hence hath ariſen that Saying (often uſed not only by our ancient Friends, but by ſome of the Martyrs long before) viz. *He that pays Tithes, doth thereby deny that Chriſt is come in the Fleſh.* That Concluſion could not have been drawn, from the paying of Tithes to a wrong Miniſtry, or for a wrong Uſe only, though ſuch Payment be evil: Nor could any thing juſtify that Inference, but the Conſideration that Tithes, depending on the ceremonial Law of *Moſes*, which muſt of Neceſſity and in courſe fall, and ceaſe when Chriſt ſuffered; the paying of Tithes carries in it a Suppoſal, that that Law is not yet ceaſed, but is ſtill in force: And conſequently that Chriſt, whoſe Death muſt needs have ended it, is not yet come, nor has yet ſuffered in his Fleſh for Mankind.

7. That

7. That other Objection, not leſs weighty than common againſt paying Tithes to the Clergy, ſo called, *viz. The Unlawfulneſs of upholding a falſe Miniſtry, to perform a falſe Worſhip* (being itſelf ſo clear and plain, that it needs no Illuſtration) I ſhall, in this Diſcourſe, no farther meddle with, than to obſerve in my way, how far it may affect thoſe Tithes alſo, which the Impropriators claim. Wherefore having premiſed what is ſaid before concerning Tithes in general, to what Hand, or for what Uſe ſoever paid, let us now inquire into thoſe Tithes, which are called *Impropriate*.

OF IMPROPRIATE TITHES.

THAT theſe Tithes, which are claimed by the Impropriators, are of the ſame Nature, and ſtand originally on the ſame Root and Ground, on which the other Tithes ſtand, which are claimed and exacted by the Prieſts, is evident from hence; that they were all heretofore, theſe as well as thoſe, claimed by, and paid to ſome or other of the romiſh Clergy, or their Appendices, the religious Orders, ſo called, and upon the ſame foot. That is, theſe impropriate Tithes were paid to thoſe religious Orders or Houſes, as being due to God, by virtue of the *levitical* Law; as well as the other Tithes were paid to the Pariſh-prieſts, on the

the ſame ſuppoſed Right, from the ſame Law. But how theſe Tithes came to thoſe religious Houſes firſt, and how afterwards from them to the Impropriators, is next to be inquired.

2. Until the *Lateran* Council, (ſo named, becauſe it was holden in the Pope's Palace at *Rome*, called the *Lateran*) in the Year 1215, it was in the Choice of every Man to give his Tithes to what Church he pleaſed, ſo he gave them to ſome Church. And even after that Council, the Popes, as Heads of that Church, by their diſpenſing Power, did give leave to ſuch as would ſue, and pay for it, to give their Tithes from the Pariſh-prieſt, to ſuch Order of religious People, whether Monks, Friars, or Nuns, as they were beſt affected to. By which means, the Pariſh-prieſts, called *Seculars* and thoſe of the ſeveral religious Orders, called by a general Title, *Regulars*, being left to ſcramble as they could for Maintenance, the Regulars, mendicant Friars, and others, ſwarming in all Places, and pretending, at leaſt, to greater Sanctity and Auſterity of Life, than the Pariſh-prieſts, prevailed with the People, either living or dying, to give not only very conſiderable Eſtates in Lands, but alſo the Tithes of other Lands, and of whole Pariſhes, from the Pariſh-prieſts, to their religious Houſes or Convents.

3. The Tithes, or Parſonages, ſo given, were then called *Appropriations*, becauſe they were appropriated to this, that, or the other religious Houſe

Houſe or Convent. And I have read, that there were in *England* about 3845 Parſonages thus appropriated. And as Tithes were then held to be *due to God and holy Church*; and thoſe religious Orders were reputed a part of that Church: So the Tithes as well as the Lands thus given them, were continued to them, and poſſeſſed by them, till that general Storm aroſe in King *Henry* the 8th's time, which overturned thoſe religious Houſes and Orders together. And here by the way, it may be noted, that while thoſe religious Houſes ſtood, a great part of the Lands which had been given to them, were, by papal Authority exempted from paying Tithes: Whence it is, that many of thoſe Eſtates, which had belonged to thoſe religious Houſes, remain diſcharged from the Burthen of Tithes ſtill.

4. As Tithes were ſet up here on the Authority of the *levitic* Law, and in Imitation of the *Jewiſh* Practice, conſonant to that Law: So while thoſe religious Houſes ſtood, and the Pope's Power prevailed here, not only the Seculars or Pariſh-prieſts, but all thoſe Regulars who received Tithes, were bound to pay the Tenths, out of the Tithes they received, to the Head of their Church, the Pope, as the *Levites*, under the ceremonial Law, were required to do to the Prieſts.

5. But after that K. *Hen.* the 8th. (upon a Quarrel between the Pope and him, about his Divorce

Divorce from his firſt Queen *Katherine*, which he earneſtly deſired, and the Pope would not grant) fell off from the Pope, (tho' not from Popery: For after that he retained the moſt pernicious Doctrines of the romiſh Church, contained in the ſix Articles, and burnt ſome for denying them) he threw off the Pope's Supremacy here, and aſſumed it to himſelf; declaring himſelf, and being declared, firſt by the Clergy in their Convocation, and ſoon after by Lords and Commons in Parliament, *The only ſupream Head in Earth of the Church of* England. This was done by the Statute of 26 *Hen.* 8. cap. 1. And therein it is enacted, *That the King, his Heirs and Succeſſors, Kings of this Realm, ſhall be taken, accepted and reputed the only ſupream Head in Earth of the Church of* England. *And ſhall have and enjoy, annexed and united to the Imperial Crown of this Realm, as well the Title and Stile thereof, as all Honours, Dignities, Pre-eminences, Juriſdictions, Privileges, Authorities, Immunities, Profits and Commodities to the ſaid Dignity of ſupream Head of the ſame Church belonging and appertaining. And ſhall have full Power and Authority, from time to time, to viſit, repreſs, redreſs, reform, order, correct, reſtrain and amend all ſuch Errors, Hereſies, Abuſes, Offences, Contempts and Enormities whatſoever they be, which by any manner of ſpiritual Authority and Juriſdiction ought, or may lawfully be reformed, repreſſed, ordered, redreſſed, corrected, reſtrained or amended,* &c. By which it is evident, the Intention of the Parliament

Parliament then was to transfer, confer and ſettle unto and upon K. *Henry* all the Powers, Profits and Privileges, which had been before ſuppoſed to be in, or belong to, or had been enjoyed or exerciſed by the Pope, while he was received as *ſupream Head of the Church.*

6. And therefore, as the Pope, while he retained the Supremacy here, had the Firſt-fruits (which are the Profits of every ſpiritual or eccleſiaſtical Living for one Year) upon the advancing of any eccleſiaſtical Perſon to ſuch a living; and alſo the Tenths, that is, the tenth part of all the Tithes: So theſe two Revenues, as appendant to that Supremacy, followed it; being ſettled on the King, in the ſame Seſſion of Parliament, wherein the Supremacy was veſted in him. The Words of the Statute, 26 *H.* 8. cap. 3. relating to the *Firſt-fruits*, are theſe. *That for the more Surety of Continuance and Augmentation of his Highneſs royal Eſtate, being not only now recognized (as he always indeed hath heretofore been) the only ſupream Head in Earth, next and immediately under God, of the Church of* England, *but alſo their moſt aſſured and undoubted natural Sovereign Leige, Lord and King*, &c. *It may therefore be enacted and ordained by*, &c. *That the King's Highneſs, his Heirs and Succeſſors, Kings of this Realm, ſhall have and enjoy from time to time, to endure for ever, of every ſuch Perſon and Perſons, which at any time after the firſt Day of* January *next ſhall be nominated, elected, perfected, preſented, collated,*

collated, or by any other means appointed to have any Archbiſhoprick, Abbacy, Monaſtery, Priory, College, Hoſpital, Archdeaconry, Deanry, Provoſtſhip, Prebend, Parſonage, Vicarage, Chauntry, Free-chapel, or other Dignity, Benefice, Office, or Promotion-ſpiritual, within this Realm, or elſewhere within any of the King's Dominions, of what Name, Nature, or Quality ſoever they be, or to whoſe Foundation, Patronage, or Gift ſoever they belong, the Firſt-fruits, Revenues and Profits for one Year of every ſuch Archbiſhoprick, Biſhoprick, Abby, Monaſtery, Priory, Parſonage, Vicarage, &c. Then (after Proviſions made for finding out the Value of thoſe ſpiritual Livings, and for paying, receiving and recovering thoſe Firſt-fruits) the Settlement of the Tenths (that other part of the Pope's Revenue) upon the King, follows in the ſame Statute in theſe Words.

And over this, be it enacted by Authority aforeſaid, that the King's Majeſty, his Heirs and Succeſſors, Kings of this Realm, for more Augmentation and Maintenance of the royal Eſtate of his Imperial Crown and Dignity of ſupream Head of the Church of England, *ſhall yearly have, take, enjoy and receive, united and knit to his Imperial Crown for ever, one yearly Rent or Penſion, amounting to the Value of the tenth Part of all the Revenues, Rents, Farms, Tithes, Offerings, Emoluments, and of all other Profits, as well called ſpiritual as temporal, now appertaining or belonging, or that hereafter ſhall*

belong to any Archbiſhoprick, Biſhoprick, Abbacy, Monaſtery, Priory, Archdeaconry, Deanry, Hoſpital, College, Houſe-collegiate, Prebend, Cathedral-church, Collegiate-church, Conventual-church, Parſonage, Vicarage, Chauntry, Free-chapel, or other Benefice or Promotion ſpiritual, of what Name, Nature, or Quality ſoever they be, within any Dioceſs of this Realm, or in Wales, *&c.* And ſo goes on to direct the Time, Place and Manner of Payment of theſe Tenths, with the Penalty for Non-payment.

7. Thus were theſe two great Pillars of papal Supremacy, *Firſt-fruits* and *Tenths*, transferr'd from the Pope, the old Head, to the King, the new Head of the Church, to ſupport and maintain that Headſhip in him, as they had done before in the Pope. Which eccleſiaſtical Headſhip the King was no ſooner poſſeſſed of, than he began to exerciſe it amongſt thoſe religious Orders, ſuppreſſing (as *Herbert*, in his Life, pag. 379, relates) the obſervant Friars at *Greenwich*, *Canterbury*, *Richmond*, and other Places, and ſubſtituting the *Auguſtines* in their places. *Which he did* (ſays *Herbert* there) *for the finding out how his People would take his Deſign of putting down religious Houſes:* To which he proceeded the next Year, beginning with the leſſer ſort, and ſuppreſſing all thoſe Monaſteries, Priories, and other religious Houſes of Monks, Canons, and Nuns, which had not in Lands, Tenements, Rents, Tithes, Portions and other Hereditaments, above the clear

clear yearly Value of two hundred Pounds. By which means 376 of thoſe religious Houſes being diſſolved, a Revenue of above thirty thouſand Pounds a Year, beſides an hundred thouſand Pounds in Money raiſed by Sale, at low rates, of the Goods and Chattels of thoſe Houſes (a Sum not ſmall in that Age) came to the King, for Support of his eccleſiaſtical Supremacy.

8. The Statute, which countenanced this Proceeding, is the 27 of *Hen.* 8. cap. 28. And a new Court, called the *Court of Augmentations*, was then erected and ſettled by Parliament, for receiving and ordering theſe new acceſſional Revenues: The Act for which, in our printed Statute-books, is ſet before that for the Suppreſſion of thoſe leſſer Monaſteries. But tho' that, for ſuppreſſing thoſe Monaſteries, be, by an *Hyſteroſis*, ſet after that for eſtabliſhing the *Court of Augmentations*; yet it muſt have been made before it; for it is recited in it.

9. In that Statute, 27 *Hen.* 8. cap. 28. for ſuppreſſing thoſe ſmaller Monaſteries, mention is made of Monaſteries, Abbies and Priories, which, within one Year before the making of that Statute, had been given and granted to the King by any Abbot, Prior, Abbeſs or Prioreſs, under their Convent-ſeal, or that otherwiſe had been ſuppreſſed, or diſſolved. All which were, by that Statute confirmed to the King, and to all thoſe, unto whom the King either then

before had conveyed, or after ſhould convey any Part or Parts thereof; To hold to them in like Manner, Form and Conditions, as the Abbots, Priors, Abbeſſes, Prioreſſes, and other chief Governors of any religious Houſes, which had the ſame, might or ought to have had if they had not been ſuppreſſed. For upon the King's falling (as was noted before) upon the obſervant Friars at *Greenwich*, and other Places, ſome of the more conſiderate of the Abbots, Priors, *&c.* ſeeing the Storm ariſing, which then threatned, and ſoon after brought Deſtruction on thoſe Orders, thought it better Policy to comply with the times, and ſurrender upon Terms, in hopes to ſave ſomething, than hold out to the laſt, as many did, and loſe all.

10. And indeed, the ſuppreſſing of thoſe 376 leſſer Monaſteries, ſtruck ſo great a Fear into the greater, that the Statute made four Years after (31 *Hen.* 8. cap. 13.) whereby the reſt of the religious Houſes were given to the King, recites, *That divers and ſundry Abbots*, &c. *of their own free and voluntary mind, ſince the 4th of* Feb. *in the 27th of his Reign, had by due Order of Law, and by their ſufficient Writings of Record, under their Convent and Common-ſeals, ſeverally given, granted and confirmed to the King, his Heirs and Succeſſors for ever, all their ſaid Monaſteries, Abbeys, Priories*, &c. *and all the Manors, Lordſhips, Lands, Tenements, Tithes*, &c. *to them belonging; and had voluntarily renounced, left and forſaken the ſame.*

ſame. And therefore, in the ſaid Statute it is enacted, *That the King ſhall have, hold,* &c. *all ſuch late Monaſteries,* &c. *and all the Sites, Circuits, Manors, Lands, Tenements,* &c. *thereunto belonging.* In the Enumeration of the particulars whereof, (which are many) Tithes, Parſonages, Appropriate, and Vicarages are expreſly mentioned. All which (as likewiſe all other religious Houſes, with the Revenues thereof, which ſhould there-after be diſſolved, ſuppreſſed, relinquiſhed, forfeited, or given to the King, and which by that Statute are ſettled on him) he was to hold and enjoy, in as large and ample Manner and Form, as the late Abbots, *&c.* had held, or of Right ought to have held the ſame, in Right of their ſaid late Monaſteries, *&c.*

11. From hence this Obſervation ariſes. That ſince thoſe religious Orders did hold the Tithes which they poſſeſſed, upon the ſuppoſed Right of their being *due to God and holy Church*; which they held themſelves, and were by others holden to be a part of; and the King received thoſe Tithes and Parſonages (amongſt the reſt of the Revenues of the religious Houſes) as well thoſe that were reſigned to him by the Governors of thoſe Houſes themſelves, as the reſt which by Act of Parliament he took, upon the ſame Right on which thoſe religious Orders had holden them: He alſo muſt hold them upon that ſuppoſed Right of their being *due to God and holy Church*; which he then

held himſelf, and was holden by all, both Clergy and Laity, to be the only ſupream Head of here in *England.* And as upon that ſuppoſed Right, of their being *due to God and holy Church*, on which the religious Houſes held them, they paſſed them from thoſe Houſes to the King, as *ſupream Head of the Church:* So on the ſame ſuppoſed Right, of their being *due to God and holy Church*, they paſſed from the King, as *ſupream Head of the Church*, to thoſe (whether Spiritual or Lay-perſons) unto whom the King granted them. For they ſtuck not long in the King's hand; but he, of his own meer Motion, Liberality and Benignity (as the Statute in the 33d Year of his Reign, cap 39. relates) had by that time freely given and granted, *&c.* unto divers and ſundry of the Lords and Nobles, as well ſpiritual as temporal, and unto divers and many other Perſons and Bodies-politick, *&c.* divers and many ſundry Honours, Caſtles, Manors, Lands, Tenements, and amongſt the reſt, Rectories, *&c.*

12. But great Care was taken to retain and keep up the Character of *Spirituality*, which had formerly been ſtamped upon thoſe Rectories, Parſonages, and other Revenues by Tithes, into what hands ſoever they were paſſed. And therefore, by the Statute of 32 *Hen.* 8. cap. 7. in caſe of with-holding, or denying to pay the Tithes, all Perſons claiming them (Impropriators as well as Prieſts) are reſtrained from ſuing in the temporal Courts, and limited to the

the eccleſiaſtical or ſpiritual Courts only, for the Recovery of them.

13. And that they might ſtill have Dependance upon the *Supremacy*, Care was taken, from the firſt, by the Statute of 27 *Hen.* 8. cap. 27. that none of theſe Eſtates, which then had come, or ſhould come, from any of thoſe religious Houſes to the King, ſhould paſs from him by Grant to any Perſon whatſoever, without an expreſs Reſervation of a Tenth. And in a ſubſequent Statute (33 *Hen.* 8. cap. 39.) Complaint being made, that although out of thoſe Grants, which the King had made to ſundry Perſons, of Honours, Caſtles, Manors, Lands, Tenements, Rectories, *&c.* (which were under the Survey of the *Court of Augmentations)* the Tenths had been reſerved; yet the Perſons unto whom ſuch Grants had been made, tho' they had quietly enjoyed and taken the Iſſues and Profits of thoſe Lands, Rectories, *&c.* had not paid the reſerved Tenths to the King: Proviſion was made in that Statute, by ſeveral *Forfeitures* and *Nomine-pœnæ*'s to enforce the Payment thereof.

Nor was Care taken of the eccleſiaſtical Head (the King) only, but of the eccleſiaſtical Members (the Clergy) alſo: Many, if not moſt, of which had Penſions, or Portions iſſuing out of thoſe Parſonages, Rectories, or other ſpiritual Benefices (as they were counted) which the religious Orders held: For, beſides

that upon the increaſing of thoſe Appropriations, whereby the Pariſh-prieſts were pinch'd, there had been Proviſion made early, in the time of King *Richard* the ſecond, for the Vicars, as well as for the Poor; the Statute of 15 *Rich.* 2. cap. 6. directing, *That, upon the Appropriation of ſuch Churches, the Diocæſian of the Place (or Biſhop of the Dioceſs) ſhall ordain, according to the Value of ſuch Churches, a convenient Sum of Money to be paid and diſtributed yearly, of the Fruits and Profits of the ſame Churches, to the poor Pariſhioners: And alſo, that the Vicar be well and ſufficiently endowed.* Which Statute (ſo far, at leaſt, as concerned the Vicar) was afterwards confirmed by another Statute of 4 *Hen.* 4. cap. 12. which expreſly ordains, *That the Statute of Appropriation of Churches, and of the Endowment of Vicars in the ſame, made the 15th Year of King* Richard *the ſecond, be firmly holden, and put in due Execution:* I ſay, beſides theſe, the Statute of 34 and 35 of *Hen.* 8. cap. 19. takes Notice, *That the Archbiſhops, Biſhops, Archdeacons, and other eccleſiaſtical Perſons, of both Provinces of* Canterbury *and* York, *having formerly, in right of their Churches, received out of the late Monaſteries,* &c. *divers Penſions, and other Profits, had after the Diſſolution of thoſe Houſes, been diſturbed and denied of the having, receiving and gathering of the ſaid Penſions,* &c. Whereupon it is, in the ſaid Statute, enacted, *That if any Perſon or Perſons, being Farmer or Occupier of any Manors, Lands, Tenements, Parſonages, Benefices,*

Benefices or other Hereditaments of any of the ſaid late Moneſteries, &c. by the King's Gift, Grant, Sale, Exchange, or otherwiſe, out of which any ſuch Penſions, &c. have been heretofore lawfully going, anſwered, or paid to any of the Archbiſhops, Biſhops, Archdeacons, and other eccleſiaſtical Perſons aboveſaid, do, at any time after the firſt Day of April *next coming, wilfully deny the Payment thereof, then it ſhall be lawful for the ſaid Archbiſhops, Biſhops, Archdeacons, or other eccleſiaſtical Perſons aforeſaid, being ſo denied, to be ſatisfied and paid thereof, &c. to proceed in the eccleſiaſtical Courts, for the Recovery thereof.*

14. By which Statute, all Penſions payable to Archbiſhops, Biſhops, Archdeacons, or other eccleſiaſtical Perſons, that had been poſſeſſed thereof, at or within ten Years next before the time of the Diſſolution of the Monaſteries, out of the Parſonages, Rectories, or Tithes holden by the ſaid Monaſteries, *&c.* are confirmed and aſſured to ſuch Archbiſhops, Biſhops, Archdeacons, and other eccleſiaſtical Perſons ſtill.

15. So that, upon the whole, beſides what hath been ſaid of Tithes in general, with reſpect to the *Judaizing*, and *denying of Chriſt*, by the Paying thereof (which extends alike to all Tithes, thoſe claimed by the Impropriator, as well as thoſe claimed by the Prieſt) the impropriate Tithes being generally charged, either with ſome Payment to the Vicars, for enlarging

enlarging of their Stipends, or with Penſions to the Archbiſhops, Biſhops, Archdeacons, and other Eccleſiaſticks: All ſuch of them as are ſo charged, come under the ſame Objection, that is made againſt paying to the Prieſt, *viz.* The upholding of a falſe Miniſtry, to perform a falſe Worſhip. And if any Impropriation may be ſuppoſed to be free from all thoſe Charges; yet all Impropriators, as well as Prieſts, being bound to pay the reſerved Tenths to the King, as *ſupream Head of the Church* (which were wont before to be paid to the Pope, while he was owned for *Head of the Church)* the paying of Tithes to an Impropriator, is a recognizing, and acknowledging of a Man (bad or good, popiſh or proteſtant, as it happens) to be the only *ſupream Head on Earth of the Church.* Which is to ſet an *human Head* to a *ſpiritual Body*; and to diveſt and deprive our Lord Jeſus Chriſt of his undoubted Right, who, the Apoſtle ſays expreſly, is *the Head of the Body, the Church,* Col. i. 18. *And that not of Man's making or appointing*; *but God,* ſaith the Apoſtle, *hath given him to be the Head over all Things to the Church, which is his Body.* Eph. i. 22, 23. ——

In or about the Year 1646, which was before this People were diſtinguiſh'd for that Tenet, or the Nick-name of *Quaker* invented, ſeveral Tracts were publiſh'd, and Remonſtrances made to the Lord Mayor of *London*, againſt the STATE's impoſing the Payment of Tithes, as inconſiſtent with the Doctrines of the New Teſtament and Principles of the Reformation. Thoſe which have been tranſmitted down to us, are under the following Titles, *viz.*

Tithe-gatherers no Goſpel-officers.

The Indictment of Tithes of ſeveral criminal Articles, &c. *exhibited before the Lord Mayor of the City of* London, *by divers Citizens.*

A Letter to the Lord Mayor, by the Inhabitants of All-hallows, Barking *Pariſh,* London, *demonſtrating that Tithes, in the time of the Goſpel, ought not to be paid.*

An Anſwer given to the Lord Mayor of the City of London, *concerning Tithes, by* Nicholas Waterſon.

Reaſons given by Thomas Bennet, *concerning the unjuſt Exaction of Tithes: Addreſſed to* Thomas Adams, *Lord Mayor of the City of* London.

The laſt of theſe we ſhall preſent to the Reader as a Specimen of the whole, and to ſhew that the Sentiments of the People call'd *Quakers*, on this Article, were not ſingular, nor a Novelty.

Right

Right Honourable,

WHEREAS I have been theſe thirteen times commanded before your Honour, and your Lordſhip's Predeceſſors, for the Denial of Tithes, and now at length you have been pleaſed to permit me Freedom to deliver in mine Anſwer in writing: I have therefore preſumed, from your Lordſhip's Permiſſion, to preſent your Honour with theſe enſuing Reaſons.

1. *My Lord,* If Tithes under the Goſpel be an Ordinance, then they muſt be of an evangelical Inſtitution, even from the Command of Chriſt, as well as other Goſpel-ordinances: But we find no other Ordinance for the Exaction of Tithes now, but a bare *Moſaical* Ordinance. Therefore Tithes are no Goſpel-ordinance.

2. *My Lord,* Tithes were never ordained, but for the Wages of typical Services; therefore to continue the Wages of ſuch Work, cannot in Equity be without the Continuance of the Work: Which is a flat *Denial of Chriſt's Coming in the Fleſh.*

3. *My Lord,* Thoſe that had the Commandment for Tithes, were only to receive them of their Brethren, *Heb.* vii. 5. that is, of the other twelve Tribes; therefore not of the Gentiles; nor were Gentiles, by that Command, bound thereto;

thereto; and if not in *Moſes* his time, much leſs now.

4. *My Lord,* They were impoſed upon the Land of *Canaan,* therefore not upon *England* or *Engliſhmen,* being no part of *Canaan,* or the People any of the twelve Tribes. And the *Jews* to this Day terminate the Equity of Tithes to their own Land, as Mr. *Selden,* a Member of the Houſe of Commons, writeth in his Hiſtory of Tithes.

5. *My Lord,* When the Law of Tithes was in force, it was only of the Seed of the Ground, the Fruit of the Trees, and of four-footed Beaſts, *Levit.* xxvii. 30, 32. Therefore the Tithe of our Pullen, as of Goſlins, Chickens, *&c.* which have but two Feet apiece, and cannot be reputed to be of the Herd or Flock, that paſſeth under the Rod; nor any Tithe of Houſes, which neither grow, nor bring forth Seed, can be concluded from the Law of Tithes.

6. *My Lord,* The *Levites* paid the Tenth of their Tithes to *Aaron* the Prieſt, *Numb.* xviii. 26, 27, 28, 29. yea, the Fatherleſs, the Widow and Stranger, were ranked with the *Levite,* for the *Maintenance of Tithes,* Deut. xiv. 29. xxvi. 12. and were to eat, and to be ſatisfied therewith: Therefore from their Example, our Clergy unjuſtly exact the whole Tithes to themſelves.

7. The

7. The Laity offered the Firſt-fruits unto the Prieſts, in Ears of Wheat, Barley, *&c.* in what Quantity the Owner would, *Exod.* xxiii. 19. *Deut.* xviii. 4. Therefore from their Example, there can be no Exaction of this or that Quantity.

8. *My Lord*, They as well, from the Example of *Moſes* his Prieſts, may take Tithe of our Children; for the Firſt-born, whether of Man or Beaſt, fell to the Prieſt, *Numb.* xviii. 15. So that if our Clergy will have thoſe Prieſts to be their Example, then *every Male that firſt openeth the Matrix*, is due unto the Clergy. And I ſuppoſe, they would exact it, had they but Power to impoſe Redemption-money upon them, *the Value of five Shekels, after the Shekel of the Sanctuary, which is twenty Gerahs, upon every Firſt-born Male*, as *Moſes*'s Prieſts had.

9. *My Lord*, When the Law of Tithes was in force, there was no Compulſion uſed for them, nor did *Moſes* give any Commiſſion to the *Levites* to exact them by force: The Lord only ſent his Prophets to complain againſt them that did not pay them. *Mal.* iii. 9, 10. *Neh.* xiii. 10, 11, 12.

10. *My Lord*, The Prieſthood and Commandment is changed, and one of another Tribe, even of the Tribe of *Judah*, of which *Moſes* ſpake nothing concerning the Prieſthood; no not ſo much as to receive Tithes, *Heb.* vii. 11.

Therefore

Therefore to ſpeak that of the Miniſtry of our Lord, which ſprung from *Judah*, which was ſpoken of the Tribe of *Aaron*, whereof Tithes were one main thing, is to make our Lord to be of the Tribe of *Aaron*.

11. *My Lord*, All the Supply which the Goſpel ordaineth, is a Firſt-day Collection, or voluntary Contribution to the Neceſſities of the poor Saints, 1 *Cor.* xvi. 2. 2 *Cor.* ix. 1, 5, 7.

12. *My Lord*, An Elder of a Church cannot lay claim to any Supply barely by virtue of Elderſhip, no more than a Saint by virtue of Saintſhip, but both ſimply as poor Saints. For evangelical Supply was only devoted to Neceſſity: The *poor Man's Box* was the Inheritance or Portion of the poor Saints, whether Elders, or other Members.

13. It is to be acknowledged as a * Gift or Courteſy, 2 *Cor.* viii. 4. *Phil.* iv. 17. But to exact

* As the Goſpel itſelf, in its own Nature, is equally free in all Ages, and the Miniſters of the Goſpel are ſo too, in reſpect of its Publication (ſo as not to preach the Goſpel becauſe human Laws command, nor to forbear to preach it becauſe human Laws forbid) ſo ought the Goſpel Maintenance alſo, or the Maintenance of this Goſpel Miniſtry, to be in all Ages equally free; elſe it is not ſuitable to the Miniſtry, and the Goſpel to which it appertains. And whenſoever it ceaſes to be free, by the interpoſed Injunctions of penal Laws, thenceforth ceaſes to be a Goſpel

exact by Compulſion, is contrary to the Nature of Courteſy; that were of Violence not of Gift.

14. All that Chriſt ordained the Twelve, and the Seventy, which he ſent out, to take, was but *to eat and drink ſuch Things as were ſet before them*; making that to be all his Labourers ſhould account themſelves *worthy of*. Luke x. 7, 8.

15. *My Lord*, It is unreaſonable for a Shepherd to exact the Milk of that Flock which he doth not feed; for the Flock which he feedeth, is the Flock of whoſe Milk he muſt eat, 1 *Cor.* ix. 7. therefore the Clergy-ſhepherds may not exact the Milk of the Flocks that are not fed by them.

16. *My*

Goſpel Maintenance. Now if we ſhould ſuppoſe Tithes a lawful Maintenance, and that the Donation of them was an act of pure Liberality and perfect Freedom in the firſt Donors (which univerſally conſider'd, is far enough from Probability) and upon that Suppoſition ſhould admit Tithes to have been then a free Maintenance; yet the ſettling of them as a ſtanding Maintenance, and compelling after Ages by Penalties to pay them, makes them not now a free Maintenance, if they had been ſo then; but the true Goſpel Maintenance ought to be free in its Continuation, as well as in its Beginning; and *Chriſtians* now may juſtly expect as much *Chriſtian* Liberty and Freedom, as others in former Ages had, which they do not enjoy, who now ſtand bound to the Performance of that which others were at Liberty to.

16. *My Lord*, No Payment of Tithes was ordained in *Chriſtian* Churches, as *Selden* obſerveth, till the general Council at *Lateran*, *Anno* 1215. Therefore the ORDINANCE of Tithes under the Goſpel, deriving its Being and Inſtitution from the Injunctions of the Pope and his Council, doth ſubject us to the Dictates of the See of *Rome*, againſt which, we are all engaged by our former Proteſtations, and by our ſolemn League and Covenant. And tho' theſe Tithes ſhould be granted not to be the *Root*, yet they cannot but be concluded to be a *main Branch* of *Popery*, being not of Chriſt's, but of the Pope's own Ordinance; therefore by our Covenant to be extirpated.

Under the various Revolutions of Government, and Changes of Adminiſtration, the Yoke of Tithes ſtill remaining unremoved, in the Year 1659 a Treatiſe was publiſhed, intitled, *Conſiderations touching the likelieſt Means to remove Hirelings out of the Church:* Addreſſed to the Parliament of the Common-wealth of *England*, with the Dominions thereof, wrote by that learned and judicious Author *John Milton.* The Importance of the Inquiry, and Cogency of his Reaſoning, may excuſe our reprinting ſo much of it as follows, *viz.*

WHAT Recompence ought to be given to Church Miniſters God hath anſwerably ordain'd, according to that Difference which he hath manifeſtly put between thoſe his two great Diſpenſations, the Law and the Goſpel. Under the Law he gave them Tithes; under the Goſpel, having left all things in his Church to Charity and *Chriſtian* Freedom, he hath given them only what is juſtly given them; that, as well under the Goſpel as under the Law, ſay our *Engliſh* Divines, and they only of all Proteſtants, is Tithes; and they ſay true, if any Man be ſo minded to give them of his own the tenth or twentieth. But that the Law therefore of Tithes is in force under the Goſpel, all other Proteſtant Divines, tho' equally concern'd, yet conſtantly deny. For altho' Hire to the Labourer be of moral and perpetual Right, yet that ſpecial Kind of Hire, the Tenth, can be of no Right or Neceſſity, but

but to that ſpecial Labour for which God ordained it. The ſpecial Labour was the *levitical* and ceremonial Service of the Tabernacle, *Numb.* xviii. 21, 31. which is now aboliſhed. The Right therefore of that ſpecial Hire muſt needs be withal aboliſhed, as being alſo ceremonial. That Tithes were ceremonial is plain; not being given to the *Levites* till they had been firſt offer'd an Heave-offering to the Lord, Ver. 24, 28. He then who by that Law brings Tithes into the Goſpel, of neceſſity brings in withal a Sacrifice, and an Altar; without which, Tithes by that Law were unſanctified and polluted, Ver. 32. and therefore never thought on in the firſt *Chriſtian* Times, till Ceremonies, Altars, Oblations, by an ancienter Corruption, were brought back long before. And yet the *Jews*, ever ſince their Temple was deſtroy'd, tho' they have Rabbies and Teachers of their Law, yet pay no Tithes, as having no *Levites* to whom, no Temple where to pay them, nor Altar whereon to hollow them; which argues, that the *Jews* themſelves never thought Tithes moral, but ceremonial only. That *Chriſtians* therefore ſhould take them up, when *Jews* have laid them down, muſt needs be very abſurd and prepoſterous.

This is ſo apparent to the reformed Divines of other Countries, that when any of ours hath attempted in *Latin* to maintain this Argument of Tithes, though a Man would think they might ſuffer him without Oppoſition, in a

point equally tending to the Advantage of all Miniſters, yet they forbear not to oppoſe him, as in a Doctrine not fit to paſs unoppos'd under the Goſpel. Which ſhews the Modeſty, the Contentedneſs of thoſe foreign Paſtors, with the Maintenance given them; their Sincerity alſo in the Truth, though leſs gainful; and the Avarice of ours, who, through the love of their old papiſtical Tithes, conſider not the weak Arguments, or rather Conjectures and Surmiſes which they bring to defend them.

Certainly, if Chriſt or his Apoſtles had approv'd of Tithes, they would have either by Writing or Tradition, recommended them to the Church: And that ſoon would have appear'd in the practice of thoſe primitive, and the next Ages; but for the firſt three hundred Years and more, in all the eccleſiaſtical Story, I find no ſuch Doctrine or Example: Though Error, by that time, had brought back again Prieſts, Altars, and Oblations; and in many other points of Religion, had miſerably *judaiz'd* the Church. So that the Defenders of Tithes, after a long Pomp, and tedious Preparation out of *heathen* Authors, telling us, that Tithes were paid to *Hercules* and *Apollo*, which perhaps was imitated from the *Jews*, and as it were beſpeaking our Expectation, that they will abound much more with Authorities out of *Chriſtian* Story, having nothing of general Approbation to begin with from the firſt three or four Ages, but that which abundantly ſerves to the Confutation

Confutation of their Tithes; while they confeſs that Churchmen in thoſe Ages liv'd meerly upon free-will Offerings. Neither can they ſay, that Tithes were not then paid, for want of a civil Magiſtrate to ordain them, for *Chriſtians* had then alſo Lands, and might give out of them what they pleas'd; and yet of Tithes then given, we find no mention. And the firſt *Chriſtian* Emperors, who did all things as Biſhops advis'd them, ſupply'd what was wanting to the Clergy, not out of Tithes, which were never mention'd, but out of their own imperial Revenues, as is manifeſt in *Euſebius*, *Theodoret* and *Sozomen*, from *Conſtantine* to *Arcadius*. Hence thoſe ancienteſt reformed Churches of the *Waldenſes*, if they rather continu'd not pure ſince the Apoſtles, deny'd that Tithes were to be given, or that they were ever given in the primitive Church, as appears by an ancient Tractate inſerted in the *Bohemian* Hiſtory.

Thus far hath the Church been always, whether in her prime, or in her ancienteſt Reformation, from the approving of Tithes; nor without Reaſon; for they might eaſily perceive that Tithes were fitted to the *Jews* only, a national Church of many incompleat Synagogues, uniting the Accompliſhment of divine Worſhip in one Temple; and the *Levites* there had their Tithes paid, where they did their bodily Work, to which a particular Tribe was ſet apart by divine Appointment,

not by the Peoples Election. But the *Chriſtian* Church is univerſal, not ty'd to Nation, Dioceſs, or Pariſh, but conſiſting of many particular Churches compleat in themſelves, gather'd not by Compulſion, or the Accident of dwelling nigh together, but by free Conſent, chooſing both their particular Church, and their Church Officers; whereas if Tithes be ſet up, all theſe *Chriſtian* Privileges will be diſturb'd and ſoon loſt, and with them *Chriſtian* Liberty.

The firſt Authority which our Adverſaries bring, after thoſe fabulous apoſtolick Canons, which they dare not inſiſt upon, is a provincial Council held at *Cullen*, where they voted Tithes to be *God's Rent*, in the Year 356; at the ſame time, perhaps, when the three Kings reign'd there, and of like Authority. For to what purpoſe do they bring theſe trivial Teſtimonies, by which they might as well prove Altars, Candles at Noon, and the greateſt part of thoſe Superſtitions fetch'd from *Paganiſm* or *Jewiſm*, which the *Papiſt*, inveigl'd by this fond Argument of Antiquity, retains to this Day? To what purpoſe thoſe Decrees of I know not what Biſhops, to a Parliament and People who have thrown out both Biſhops and Altars, and promis'd all Reformation by the Word of God? And that Altars brought Tithes hither, as one Corruption begot another, is evident by one of thoſe Queſtions which the Monk *Auſtin* propounded to the Pope, concerning thoſe things, *which, by Offerings*

Offerings of the Faithful, came to the Altar, as *Beda* writes, *lib.* 1. cap. 27. If then by theſe Teſtimonies we muſt have Tithes continued, we muſt again have Altars.

Of Fathers, by cuſtom ſo call'd, they quote *Ambroſe*, *Auguſtine*, and ſome other ceremonial Doctors of the ſame Leaven; whoſe Aſſertion without pertinent Scripture, no reformed Church can admit. And what they vouch, is founded on the Law of *Moſes*, with which, every where pitifully miſtaken, they again incorporate the Goſpel; as did the reſt alſo of thoſe titular Fathers, perhaps an Age or two before them, by many Rites and Ceremonies, both *Jewiſh* and *Heatheniſh* introduc'd; whereby thinking to gain all, they loſt all: And inſtead of winning *Jews* and *Pagans*, to be *Chriſtians*, by too much condeſcending, they turn'd *Chriſtians* into *Jews* and *Pagans*. To heap ſuch unconvincing Citations as theſe in Religion, whereof the Scripture only is our Rule, argues not much Learning nor Judgment, but the loſt Labour of much unprofitable reading.

They produce next, the ancient Conſtitutions of this Land, *Saxon* Laws, Edicts of Kings, and their Councils, from *Athelſtone*, in the Year 928, that Tithes by Statute were paid; and might produce from *Ina*, above 200 Years before, that *Romeſcot*, or *Peter's Penny*, was by a good Statute-law paid to the Pope, from 725, and almoſt as long continu'd. And

who knows not, that this Law of Tithes was enacted by thoſe Kings and Barons, upon the Opinion they had of their divine Right, as the very Words import of *Edward* the Confeſſor, in the Cloſe of that Law: *For ſo bleſſed* Auſtin *preach'd and taught?* meaning the Monk, who firſt brought the Romiſh Religion into *England* from *Gregory* the Pope. And by the way I add, that by theſe Laws, imitating the Law of *Moſes*, the third Part of Tithes only was the Prieſts Due, the other two were appointed for the Poor, and to adorn or repair Churches; as the Canons of *Egbert* and *Elfrick* witneſs, *Concil. Brit.* If then theſe Laws were founded upon the Opinion of divine Authority, and that Authority be found miſtaken and erroneous, as hath been fully manifeſted, it follows, that thoſe Laws fall of themſelves, with their falſe Foundations. But with what face of Conſcience can they alledge *Moſes*, or theſe Laws for Tithes, as they now enjoy, or exact them; whereof *Moſes* ordains the Owner, as we heard before, the Stranger, the Fatherleſs and the Widow, Partakers with the *Levite*; and theſe Fathers which they cite, and theſe, though *Romiſh* rather than *Engliſh* Laws, allotted both to Prieſt and Biſhop the third part only.

Another ſhift they have to plead, that Tithes may be moral as well as the Sabbath, a Tenth of Fruits, as well as a Seventh of Days. I anſwer, that the Prelates, who urge this Argument, have leaſt Reaſon to uſe it; denying Morality

Morality in the Sabbath, and therein better agreeing with the reformed Churches abroad than the reſt of our Divines. As therefore the ſeventh Day is not moral, but a convenient Recourſe of Worſhip in fit Seaſon, whether ſeventh or other Number; ſo neither is the Tenth of our Goods, but only a convenient Subſiſtence morally due to Miniſters.

The laſt, and loweſt ſort of their Arguments, that *Men purchas'd not their Tithe with their Land*, and ſuch like Petty-foggery, I omit, as refuted ſufficiently by * others. I omit alſo their violent and irreligious Exactions, related no leſs credibly: Their ſeizing of Pots and Pans from the Poor, who have as good Right to Tithes as they; from ſome, the very Beds; their ſuing and impriſoning, worſe than when the Canon-law was in force; worſe than when thoſe wicked Sons of *Eli* were Prieſts, whoſe mannner was thus to ſeize their pretended prieſtly Due by force, 1 *Sam.* ii. 12, *&c. Whereby Men abhor'd the Offerings of the Lord*; and it may be fear'd, that many will as much abhor the Goſpel, if ſuch Violence as this be ſuffer'd in her Miniſters, and in that which they alſo pretend to be the Offering of the Lord. For thoſe Sons of *Belial*, within ſome Limits

* 'Tis not unlikely but that *Milton* had an Eye in this Place to our Author, who in Page 63 has anſwered thoſe Arguments or Objections.

Limits made Seizure of what they knew was their own by an undoubted Law; but theſe, from whom there is no Sanctuary, ſeize out of Mens Grounds, out of Mens Houſes their other Goods, of double, ſometimes of treble Value, for that, which did not Covetouſneſs and Rapine blind them, they know to be not their own by the Goſpel which they preach. Of ſome more tolerable than theſe, thus ſeverely God hath ſpoken, *Eſa.* lvi. 10, *&c. They are greedy Dogs; they all look to their own Way, every one for his Gain from his Quarter.*

With what Anger then will he judge them who ſtand not looking, but under colour of a divine Right, fetch by force that which is not their own, taking his Name not in vain, but in Violence? Not content, as *Gehazi* was, to make a cunning, but a conſtrain'd Advantage of what their Maſter bids them give freely; how can they but return ſmitten, worſe than that ſharking Miniſter, with a ſpiritual Leproſy? And yet they cry out *Sacrilege*, that Men will not be gull'd and bafflʼd the Tenth of their Eſtates, by giving Credit to frivolous Pretences of divine Right.

Where did God ever clearly declare to all Nations, or in all Lands (and none but Fools part with their Eſtates, without cleareſt Evidence, on bare Suppoſals and Preſumptions of them who are the Gainers thereby) that he requir'd the Tenth as due to him or his Son perpetually

perpetually, and in all Places? Where did he demand it, that we might certainly know, as in all Claims of temporal Right is juſt and reaſonable? Or if demanded, where did he aſſign it, or by what evident Conveyance to Miniſters? Unleſs they can demonſtrate this by more than Conjectures, their Title can be no better to Tithes, than the Title of *Gehazi* was to thoſe things, which by abuſing his Maſter's Name, he rook'd from *Naaman*. Much leſs, where did he command that Tithes ſhould be fetch'd by force, where left not, under the Goſpel; what ever his Right was to the free-will Offerings of Men? Which is the greater *Sacrilege*, to belye divine Authority, to make the Name of Chriſt acceſſary to Violence, and robbing him of the very Honour which he aim'd at in beſtowing freely the Goſpel, to commit Simony and Rapine, both ſecular and eccleſiaſtical; or on the other Side, not to give up the Tenth of civil Right and Propriety, to the Tricks and Impoſtures of Clergymen, contriv'd with all the Art and Argument that their Bellies can invent or ſuggeſt; yet ſo ridiculous, and preſuming on the Peoples Dulneſs or Superſtition, as to think they prove the divine Right of their Maintenance, by *Abram* paying Tithes to *Melchiſedeck*, whenas *Milchiſedeck*, in that Paſſage, rather gave Maintenance to *Abram*; in whom all, both Prieſts and Miniſters, as well as Laymen, paid Tithes, not receiv'd them.

The

The next thing to be conſidered in the Maintenance of Miniſters, is, *By whom it ſhould be given?* Wherein, tho' the Light of Reaſon might ſufficiently inform us, it will be beſt to conſult the Scripture; *Gal.* vi. 6. *Let him that is taught in the Word, communicate to him that teacheth in all good things*, that is to ſay, in all manner of Gratitude to his Ability. 1 *Cor.* ix. 11. *If we have ſown unto you ſpiritual things, is it a great matter if we reap your carnal things?* To whom therefore hath not been ſown, from him wherefore ſhould be reaped? 1 *Tim.* v. 17. *Let the Elders that rule well, be counted worthy of double Honour, eſpecially they who labour in the Word and Doctrine.* By theſe places we ſee, that Recompence was given either by every one in particular who had been inſtructed, or by them all in common, brought into the Church Treaſure, and diſtributed to the Miniſters according to their ſeveral Labours, and that was judged either by ſome extraordinary Perſon, as *Timothy*, who by the Apoſtle was then left Evangeliſt at *Epheſus*, 2 *Tim.* iv. 5. or by ſome to whom the Church deputed that Care.

This is ſo agreeable to Reaſon, and ſo clear, that one may perceive what Iniquity and Violence hath prevailed ſince in the Church, whereby it hath been ſo ordered, that they alſo ſhall be compelled to recompence the parochial Miniſter, who neither choſe him for their Teacher, nor have received Inſtruction from

from him, as being either inſufficient, or not reſident, or inferior to whom they follow; wherein to bar them their Choice, is to violate *Chriſtian* Liberty.

Our Law-books teſtify, that before the Council at *Lateran*, in the Year 1179, and the fifth of our *Hen.* 2. or rather before a decretal Epiſtle of Pope *Innocent* the third, about 1200, and the firſt of King *John*, *any Man might have given his Tithes to what ſpiritual Perſon he would.* And as the Lord *Coke* notes on that Place, *Inſtit.* Part 2. That *this Decretal bound not the Subjects of this Realm, but, as it ſeemed juſt and reaſonable.* The Pope took his Reaſon rightly from the above cited Place, 1 *Cor.* ix. 11. but falſly ſuppos'd every one to be inſtructed by his Pariſh-prieſt.

Whether this were then firſt ſo decreed, or rather long before, as may be ſeen by the Laws of *Edgar* and *Canute*, that Tithes were to be paid, not to whom he would that paid them, but to the Cathedral-church, or the Pariſh-prieſt, it imports not; ſince the Reaſon which they themſelves bring, built on falſe Suppoſi--tions, becomes alike infirm and abſurd, that he ſhould reap from me, who ſows not to me; be the Cauſe either his Defect, or my free Choice. But here it will be readily objected, *What if they who are to be inſtructed, be not able to maintain a Miniſter, as in many Villages?* I anſwer, that the Scripture ſhews in many places what

what ought to be done herein. *Firſt*, I offer it to the Reaſon of any Man, whether he thinks the Knowledge of the *Chriſtian* Religion harder than any other Art or Science to obtain. I ſuppoſe he will grant that it is far eaſier, both of itſelf, and in regard of God's *aſſiſting Spirit*, not particularly promiſed us to the Attainment of any other Knowledge, but of this only: Since it was preached, as well to the Shepherds of *Bethlem* by Angels, as to the eaſtern wiſe Men by that Star; and our Saviour declares himſelf anointed to preach the Goſpel to the Poor, *Luke* iv. 18. then ſurely to their Capacity. They who after him firſt taught it, were otherwiſe unlearned Men: They who, before *Hus* and *Luther*, firſt reformed it, were for the meanneſs of their Condition, called, *the poor Men of* Lions; and in *Flanders* at this Day, *les Gues*, which is to ſay, *Beggars*. Therefore are the Scriptures tranſlated into every vulgar Tongue, as being held in main matters of Belief and Salvation, plain and eaſy to the pooreſt; and ſuch, no leſs than their Teachers, have the Spirit to guide them in all Truth. *John* xiv. 26. and xvi. 13.

Seeing then that the *Chriſtian* Religion may be ſo eaſily attained, and by meaneſt Capacities, it cannot be much difficult to find ways, both how the Poor, yea, all Men may be ſoon taught what is to be known of *Chriſtianity*, and they who teach them recompenced. *Firſt*, if Miniſters of their own accord, who pretend that

that they are called and ſent to preach the Goſpel, thoſe who have no particular Flock, would imitate our Saviour and his Diſciples, who went preaching through the Villages, not only through the Cities, *Mat.* ix. 35. *Mark* vi. 6. *Luke* xiii 22. *Acts* viii. 25. and there preached to the Poor as well as to the Rich, looking for no Recompence but in Heaven; *John* iv. 35, 36. *Look on the Fields, for they are white already to Harveſt: And he that reapeth, receiveth Wages, and gathereth Fruit unto Life eternal.* [This was their Wages.] But they ſoon will reply, *We ourſelves have not wherewithal; who ſhall bear the Charges of our Journey?* To whom it may as ſoon be anſwered, that in likelihood they are not poorer than they who did thus; and if they have not the ſame Faith which thoſe Diſciples had, to truſt in God and the Promiſe of Chriſt for their Maintenance, as they did, and yet intrude into the Miniſtry without any Livelihood of their own, they caſt themſelves into a miſerable Hazard or Temptation, and oft-times into a more miſerable Neceſſity, either to ſtarve, or to pleaſe their Pay-maſters, rather than God: And give Men juſt Cauſe to ſuſpect, that they came neither called, nor ſent from above to preach the Word, but from below, by the Inſtinct of their own Hunger to feed upon the Church.

St. *Paul*, though born of no mean Parents, a free Citizen of the *Roman* Empire, ſo little did

did his Trade debaſe him, that it rather enabled him to uſe that * Magnanimity of preaching the Goſpel through *Aſia* and *Europe* at his own Charges: Thus thoſe Preachers among the *Waldenſes*, the ancient Stock of our Reformation, without theſe Helps which I ſpeak of, bred up themſelves in Trades, and eſpecially in *Phyſick* and *Surgery*, as well as in the Study of Scripture (which is the only true Theology) that they might be no Burden to the Church; and by the Example of Chriſt, might cure both Soul and Body; through Induſtry, joining that to their Miniſtry, which he join'd to his by Gift of the Spirit. Thus relates *Peter Gilles* in his Hiſtory of the *Waldenſes* in *Piedmont*. But our Miniſters think Scorn to uſe a Trade, and count it the Reproach of this Age, that Tradeſmen preach the Goſpel. It were to be wiſh'd they were all Tradeſmen; they would not then ſo many of them, for want of another Trade, make a Trade of their preaching; and yet they clamour, that Tradeſmen preach; and yet they preach, while they themſelves are the worſt Tradeſmen of all. As for *Church Endowments* and *Poſſeſſions*, I meet with none

* What *Milton* calls *Magnanimity of Preaching*, *John Locke* takes to be the *Glorying* which the Apoſtle ſpeaks of in 1 *Cor.* ix. 15. *For it were better for me to die, than that any Man ſhould make my Glorying void.* *John Locke*'s Paraphraſe, *For I had rather periſh for Want, than be depriv'd of what I glory in*; *viz.* Preaching the Goſpel freely.

none conſiderable before *Conſtantine*, but the Houſes and Gardens, where they met, and the Places of burial: And I perſwade me, that from them the ancient *Waldenſes*, whom deſervedly I cite ſo often, held, *That to endow Churches is an evil thing*; and that the Church then fell off and turn'd Whore, ſitting on that Beaſt in the *Revelation*, when under Pope *Silveſter* ſhe receiv'd thoſe temporal Donations. So the forecited Tractate of their Doctrine teſtifies.

This alſo their own Traditions of that heavenly Voice witneſſed, and ſome of the ancient Fathers, then living, foreſaw and deplored. And indeed, how could theſe Endowments thrive better with the Church, being unjuſtly taken by thoſe Emperors, without Suffrage of the People, out of the Tributes and publick Lands of each City, whereby the People became liable to be oppreſſed with other Taxes. Being therefore given for the moſt part by Kings and other publick Perſons, and ſo likelieſt out of the publick, and if without the Peoples Conſent, unjuſtly; however to publick Ends of much Concernment to the Good or Evil of a Common-wealth, and in that regard made publick, tho' given by private Perſons; or which is worſe, given, as the Clergy then perſwaded Men, for their Souls health, a pious Gift, but as the Truth was, oft-times a Bribe to God, or to Chriſt for Abſolution, as they were then taught, from Murders, Adulteries;

and other heinous Crimes; what ſhall be found heretofore given by Kings or Princes out of the Publick, may juſtly by the Magiſtrate be recalled and re-appropriated to the civil Revenue: What by private or publick Perſons out of their own, the Price of Blood or Luſt, or to ſome ſuch purgatories or ſuperſtitious Uſes, not only may, but ought to be taken off from Chriſt, as a foul Diſhonour laid upon him; or not impiouſly given, nor in particular to any one, but in general to the Church's Good, may be converted to that Uſe, which ſhall be judg'd more directly to that general End. Thus did the Princes and Cities of *Germany* in the firſt Reformation; and defended their ſo doing by many Reaſons, which are ſet down at large in *Sleiden, lib.* 6. *Anno* 1526, and *lib.* 11. *Anno* 1537, and *lib.* 13. *Anno* 1540. But that the Magiſtrate either out of that Church-revenue which remains yet in his hand, or eſtabliſhing any other Maintenance inſtead of Tithe, ſhould take into his own power the ſtipendiary Maintenance of Church-miniſters, or compel it by Law, can ſtand neither with the Peoples Right, nor with Chriſtian Liberty, but would ſuſpend the Church wholly upon the State, and turn her Miniſters into State-penſioners.

But to proceed farther in the Truth yet more freely; ſeeing the *Chriſtian* Church is not National, but conſiſting of many particular Congregations, ſubject to many Changes, as well

well through civil Accidents, as through Schiſm and various Opinions, not to be decided by any outward Judge, being matters of Conſcience, whereby theſe pretended Church-revenues, as they have been ever, ſo are like to continue endleſs matter of Diſſention, both between the Church and Magiſtrate, and the Churches among themſelves, there will be found no better Remedy to theſe Evils, otherwiſe incureable, than by the incorrupteſt Counſel of thoſe *Waldenſes*, our firſt Reformers, to remove them as a Peſt, an Apple of Diſcord in the Church, (for what elſe can be the Effect of Riches, and the Snare of Money in Religion?) and to convert them to thoſe more profitable Uſes above expreſſed, or other ſuch as ſhall be judged moſt neceſſary; conſidering that the Church of Chriſt was founded in Poverty rather than in Revenues, ſtood pureſt, and proſpered beſt without them, receiv'd them unlawfully from them, who both erroneouſly and unjuſtly, ſometimes impiouſly, gave them, and ſo juſtly was enſnared and corrupted by them.

And leſt it be thought that theſe Revenues withdrawn and better employed, the Magiſtrate ought inſtead to ſettle by Statute ſome Maintenance of Miniſters, let this be conſider'd, *firſt*, That it concerns every Man's Conſcience to what Religion he contributes; and that the civil Magiſtrate is intruſted with civil Rights only, not with Conſcience, which can have no

Deputy or Repreſenter of itſelf, but only of the * ſame Mind.

Next,

---

* This Argument of *Milton*'s may be carried farther, thus; In a State of Nature, none had a Right to oblige others to the Support of a Religion they judg'd was diſpleaſing to God: And none upon the entring into civil Society, or Bodies politick, could be ſuppos'd to be willing to impower the Magiſtrate to oblige them to beſtow their Labour, or give any part of their Property for the Maintenance of a Religion they thought God diſliked; on the contrary, their entring into Society was to be protected from this as well as any other Impoſition. And,

If it be unlawful for private Perſons to promote a Religion, by doing of which they think they ſhould offend God; how can it be lawful for the Magiſtrate, either directly or indirectly to compel them to it?

If the Magiſtrate has no Right to deprive People of what they gain by their Labour and Induſtry for not being of his Religion, we ſhould be glad to know, how he comes to have a Right to compel them to do this for the Maintenance of his Religion?

If the Magiſtrate is oblig'd to put all his Subjects who alike contribute to the publick Good (and hold no Opinions inconſiſtent with it) upon an equal Foot, how can he force part of his Subjects to contribute to the Support of a Religion they cannot in Conſcience comply with? Surely, they that inſiſt upon this, do not do as they would be done unto.

Biſhop *Hoadly* ſays, in his Anſwer to the Repreſentation of the Committee of the Lower-houſe of Convocation, pag. 172. "The Magiſtrate (as I have "often remark'd) can reach with all his Power, no "farther than outward Practice: And the outward

"Actions

Next, That what each Man gives to the Miniſter, he gives either as to God, or as to his Teacher; if as to God, no civil Power can juſtly conſecrate to religious Uſes any Part either of civil Revenue, which is the Peoples, and muſt ſave them from other Taxes, or of any Man's Propriety, but God by ſpecial Command, as he did by *Moſes*, or the Owner himſelf by voluntary Intention, and the Perſwaſion of his giving it to God: Forc'd Conſecrations out of another Man's Eſtate, are no better than forc'd Vows; hateful to God, who loves a *cheerful Giver*; but much more hateful, wrung out of Mens Purſes to maintain a diſapproved Miniſtry againſt their Conſcience; however unholy, infamous and diſhonourable to his Miniſters and the free Goſpel, maintained in ſuch unworthy manner as by Violence and Extortion. If he give it as to his Teacher, what Juſtice or Equity compels him to pay for learning that Religion which leaves freely to his Choice, whether he will learn it or no,

" Actions of Men, as they affect human Society, " are the Objects of his Care and Concern. ——— " The Magiſtrate is not by temporal Puniſhments or " Sanctions, to determine or concern himſelf with " any Man's Religion as Religion, but to hinder " any Man's Religion or Conſcience from being " hurtful to human Society, by puniſhing thoſe out- " ward Practices which may proceed from his Con- " ſcience, for ought he knows, if they are ſuch as " are prejudicial to the Publick, which is his pecu- " liar Care, pag. 255."

whether of this Teacher or another, and eſpecially to pay for what he never learned, or approves not; whereby, beſides the wound of his Conſcience, he becomes the leſs able to recompence his true Teacher. Thus far hath been enquired, by whom Church-miniſters ought to be maintained; and hath been prov'd moſt natural, moſt equal and agreeable with Scripture, to be by them who receive their Teaching.

It remains laſtly to conſider, in what manner God hath ordained, that Recompence be given to Miniſters of the Goſpel: And by all Scripture it will appear, that he hath given it to them not by civil Law and Freehold, as they claim, but by the Benevolence and free Gratitude of ſuch as receive them: Luke x. 7, 8. *Eating and drinking ſuch things as they give you. If they receive you, eat ſuch things as are ſet before you.* Mat. x. 7, 8. *As ye go, preach, ſaying, the Kingdom of God is at hand,* &c. *Freely ye have received, freely give.* If God has ordained Miniſters to preach freely, whether they receive Recompence or not, then certainly he hath forbid both them to compel it, and others to compel it for them. But freely given, he accounts as given to himſelf. Philip. iv. 16, 17, 18. *Ye ſent once and again to my Neceſſity. Not becauſe I deſire a Gift; but I deſire Fruit that may abound to your Account. Having receiv'd of* Epaphroditus *the things which were ſent from you, an Odour of ſweet Smell, a Sacrifice*

crifice acceptable, well pleaſing to God. Which cannot be from Force or Unwillingneſs. The ſame is ſaid of Alms, *Heb.* xiii. 16. *To do Good, and to communicate forget not, for with ſuch Sacrifices God is well pleaſed.* Whence the primitive Church thought it no Shame to receive all their Maintenance as the Alms of their Auditors. Which they who defend Tithes, as if it made for their Cauſe, whenas it utterly confutes them, omit not to ſet down at large; proving to our hands out of *Origen*, *Tertullian*, *Cyprian*, and others, that the Clergy had their Portions given them in Baſkets; and were thence called *Sportularii*, Baſket-clerks: That their Portion was a very mean Allowance, only for a bare Livelihood; according to thoſe Precepts of our Saviour, *Mat.* x. 7, *&c.* the reſt was diſtributed to the Poor. They cite alſo out of *Proſper*, the Diſciple of St. *Auſtin*, that ſuch of the Clergy as had means of their own, might not without Sin partake of Church-maintenance, not receiving thereby Food which they abound with, but feeding on the Sins of other Men; that the holy Ghoſt ſaith of ſuch Clergymen, *they eat the Sins of my People:* And that a Council at *Antioch*, in the Year 340, ſuffered not either Prieſt or Biſhop to live on Church-maintenance without Neceſſity. Thus far Tithers themſelves have contributed to their own Confutation, by confeſſing that the Church lived primitively on Alms. And I add, that about the Year 359, *Conſtantius* the Emperor having ſummon'd a general Council of Biſhops

to *Arminum* in *Italy*, and provided for their Subſiſtence there, the *Britiſh* and *French* Biſhops judging it not decent to live on the Publick, choſe rather to be at their own Charges. Three only out of *Britain*, conſtrain'd through want, yet refuſing offer'd Aſſiſtance from the reſt, accepted the Emperor's Proviſion; judging it more convenient to ſubſiſt by publick than by private Suſtenance. Whence we may conclude, that Biſhops then, in this Iſland, had their Livilihood only from Benevolence. In which Regard, this Relater *Sulpitius Severus*, a good Author of the ſame time, highly praiſes them.

And the *Waldenſes*, our firſt Reformers, both from the Scripture, and theſe primitive Examples, maintained thoſe among them, who bore the Office of Miniſters, by Alms only. Take the very Words from the Hiſtory written of them in *French*, Part. 3. *lib.* 2. *cap.* 2. *La Nourriteur et ce de quoy nous ſommes couverts*, &c. *Our Food and Cloathing is ſufficiently adminiſtred and given us by way of Gratitude and Alms, by the good People whom we teach.* If then by Alms and Benevolence, not by LEGAL FORCE, not by Tenure of Freehold or Copyhold: For Alms, though juſt, cannot be compelled; and Benevolence forced, is Malevolence rather, violent and inconſiſtent with the Goſpel; and declares him no true Miniſter thereof, but a rapacious Hireling rather, who by force receiving it, eats the Bread of Violence and Exaction,

no

no holy or juſt Livelihood, no not civilly counted honeſt, much leſs beſeeming ſuch ſpiritual Miniſtry. But,

They pretend that their Education, either at School or Univerſity, hath been very chargeable, and therefore ought to be repaired in future by a plentiful Maintenance; whenas it is well known, that the better half of them, are oft-times poor and pitiful Boys of no merit, or promiſing hopes, that might entitle them to the publick Proviſion, but their Poverty, and the unjuſt Favour of Friends, have had moſt of their breeding, both at School and Univerſity, by Scholarſhips, Exhibitions and Fellowſhips at the publick Coſt; which might engage them the rather to give freely, as they have freely received.

But they will ſay, *We had betaken us to ſome other Trade or Profeſſion, had we not expected to find a better Livelihood by the Miniſtry.* This is that which I looked for, to diſcover them openly neither true Lovers of Learning, and ſo very ſeldom guilty of it, nor true Miniſters of the Goſpel. So long ago out of date is that old true Saying, 1 *Tim.* iii. 1. *If a Man deſire a Biſhoprick, he deſires a good Work:* For now commonly he who deſires to be a Miniſter, looks not at the Work but at the Wages; and by that Lure or Low-bell, may be toll'd from Pariſh to Pariſh, all the Town over. But what can be plainer *Simony*, than thus to be at Charges

Charges beforehand, to no other end, than to make their Miniſtry doubly or trebly beneficial? To whom it might be ſaid as juſtly as that to *Simon*, *Thy Money periſh with thee, becauſe thou haſt thought that the Gift of God may be purchas'd with Money: Thou haſt neither Part nor Lot in this matter.*

Next, It is a fond Error, though too much believed among us, to think that the Univerſity makes a Miniſter of the Goſpel; what it may conduce to other Arts and Sciences, I diſpute not now: But that which makes fit a Miniſter, the Scripture can beſt inform us to be only from above; whence alſo ye are bid to ſeek them, *Mat.* ix. 38. *Pray ye therefore the Lord of the Harveſt, that he will ſend forth Labourers into his Harveſt.* Acts xx. 28. *The Flock over which the holy Ghoſt hath made you Overſeers.* Rom. x. 15. *How ſhall they preach unleſs they be ſent?* By whom ſent? by the Univerſity, or the Magiſtrate, or their Belly? No ſurely. But ſent from God only, and that God, who is not their Belly. And whether he be ſent from God, or from *Simon Magus*, the inward Senſe of his Calling and ſpiritual Ability will ſufficiently tell him; and that ſtrong Obligation felt within him, which was felt by the Apoſtle, will often expreſs from him the ſame Words, 1 *Cor.* ix. 16. *Neceſſity is laid upon me, yea, Woe is me, if I preach not the Goſpel.* Not a beggarly Neceſſity, and the Woe feared otherwiſe of perpetual want, but ſuch a Neceſſity as made

made him willing to preach the Goſpel *gratis*, and to embrace Poverty, rather than as a Woe to fear it. 1 *Cor.* xii. 28. *God hath ſet ſome in the Church, firſt Apoſtles*, &c. Eph. iv. 11, &c. *He gave ſome Apoſtles*, &c. *for the perfecting of the Saints, for the Work of the Miniſtry, for the edifying of the Body of Chriſt, till we all come to the Unity of the Faith.* Whereby we may know, that as he made them at the firſt, ſo he makes them ſtill, and to the World's end. 2 *Cor.* iii. 6. *Who hath alſo made us fit or able Miniſters of the New Teſtament.* 1 Tim. iv. 14. *The Gift that is in thee, which was given thee by Prophecy, and the laying on of the Hands of the Preſbytery.* Theſe are all the means which we read of required in Scripture to the making of a Miniſter. All this is *granted*, you will ſay; but yet it is alſo requiſite he ſhould be trained up in other Learning, which can be no where had than at Univerſities.

I anſwer, That what Learning, either human or divine, can be neceſſary to a Miniſter, may as eaſily, and leſs chargeable, be had in any private Houſe. How deficient elſe, and to how little purpoſe, are all thoſe Piles of Sermons, Notes and Comments on all parts of the Bible, Bodies and Marrows of Divinity, beſides all other Sciences, in our *Engliſh* Tongue; many of the ſame Books which in *Latin* they read at the Univerſity? And the ſmall Neceſſity of going thither to learn Divinity, I prove, *firſt*, from the moſt part of themſelves, who

ſeldom

ſeldom continue there till they have got thro' Logick, their firſt Rudiments; though to ſay truth, Logick alſo may much better be wanting in Diſputes of Divinity, than in the ſubtle Debates of Lawyers and Stateſmen, who yet ſeldom or never deal with Syllogiſms.

And thoſe theological Diſputations there held by Profeſſors and Graduates, are ſuch as tend leaſt of all to the Edification, or Capacity of the People, but rather perplex, and leaven pure Doctrine with ſcholaſtical Traſh, than enable any Miniſter to the better preaching of the Goſpel. Whence we may alſo compute, ſince they come to Reckonings, the Charges of his needful Library; which, though ſome ſhame not to value at 600 *l.* may be competently furniſhed for 60 *l.* If any Man, for his own Curioſity or Delight, be in Books farther expenſive, that is not to be reckon'd as neceſſary to his miniſterial, either Breeding or Function.

But Papiſts and other Adverſaries, cannot be confuted without Fathers and Councils, immenſe Volumes, and of vaſt Charges. I will ſhew them therefore a ſhorter and better way of Confutation. *Tit.* i. 9. *Holding faſt the faithful Word, as he hath been taught, that he may be able by ſound Doctrine, both to exhort and convince Gainſayers:* Who are confuted as ſoon as heard, bringing that which is either not in Scripture, or againſt it. To purſue them farther, through the obſcure and entangled Wood of

of Antiquity, Fathers and Councils, fighting one againſt another, is needleſs, endleſs, not requiſite in a Miniſter, and refuſed by the firſt Reformers of our Religion.

Neither ſpeak I this in contempt of Learning, or the Miniſtry, but hating the common Cheats of both; hating that they who have preached out Biſhops, Prelates and Canoniſts, ſhould, in what ſerves their own ends, retain their falſe Opinions, their *phariſaical* Leaven, their Avarice, and cloſely their Ambition, their Pluralities, their Non-reſidences, their odious Fees, and uſe their legal and popiſh Arguments for Tithes; that *Independents* ſhould take that Name, as they may juſtly, from the true Freedom of *Chriſtian* Doctrine and Church-diſcipline; ſubject to no ſuperior Judge, but God only, and ſeek to be Dependents on the Magiſtrate for their Maintenance. Which two things, Independency and State-hire in Religion, can never conſiſt long or certainly together. For Magiſtrates at one time or other, not like theſe at preſent, * our Patrons of *Chriſtian* Liberty, will pay none but ſuch whom, by their Committees of Examination, they find conformable to their Intereſts and Opinions; and Hirelings will ſoon frame themſelves to that Intereſt, and thoſe Opinions, which they ſee

* The Parliament of the *Engliſh* Common-wealth, in 1659, to whom *Milton* was Secretary for foreign Affairs.

ſee beſt pleaſing to their Paymaſters; and to ſeem right themſelves, will force others as to the Truth.

But moſt of all, they are to be revil'd and ſham'd, who cry out with the diſtinct Voice of notorious Hirelings, *That if ye ſettle not our Maintenance by Law, farewel the Goſpel*; than which nothing can be utter'd more falſe, more ignominious, and I may ſay, more blaſphemous againſt our Saviour; who hath promiſed, without this Condition, both his *holy Spirit and his own Preſence with the Church to the World's end.* Nothing more falſe (unleſs with their own Mouths they condemn themſelves for the unworthieſt and moſt mercenary of all other Miniſters) by the Experience of three hundred Years after Chriſt, and the Churches at this Day in *France*, *Auſtria*, *Polonia*, and other places, witneſſing the contrary under an adverſe Magiſtrate, not a favourable: Nothing more ignominious, levelling, or rather undervaluing, Chriſt beneath *Mahomet.*

For, if it muſt be thus, how can any *Chriſtian* object it to a *Turk*, *That his Religion ſtands by force only*; and not juſtly fear from him this Reply, *Yours both by Force and Money in the Judgment of your own Teachers.* This is that which makes Atheiſts in the Land, whom they ſo much complain of: Not the want of Maintenance, or Preachers, as they alledge, but the many Hirelings and Cheaters that have the Goſpel

Goſpel in their hands: Hands that ſtill crave and are never ſatisfied. Likely Miniſters indeed, to proclaim the Faith, or to exhort our Truſt in God, when they themſelves will not truſt him to provide for them, in the Meſſage whereon they ſay, he ſent them, but threaten for want of temporal Means to deſert it; calling that want of Means, which is nothing elſe but the want of their own Faith; and would force us to pay the Hire of building our Faith to their covetous Incredulity.

Doubtleſs, if God only be he, *who gives Miniſters to his Church till the World's end*; and through the whole Goſpel, never ſent us for Miniſters to the Schools of Philoſophy, but rather bids us *beware of ſuch vain Deceit*, Col. ii. 8. (which the primitive Church, after two or three Ages, not remembring, brought herſelf quickly to Confuſion.) If all the Faithful be now *an holy and a royal Prieſthood*, 1 Pet. ii. 5, 9. not excluded from the Diſpenſation of things holieſt, after free Election of the Church, and Impoſition of hands, there will not want Miniſters elected out of all Sorts and Orders of Men, for the Goſpel makes no Difference from the Magiſtrate himſelf, to the meaneſt Artificer, if God evidently favour him with ſpiritual Gifts, as he can eaſily, and oft has done, while thoſe Batchelor Divines, and Doctors of the Tippet, have been paſſed by.

Heretofore,

Heretofore, in the firſt Evangelical times (and it were happy for *Chriſtendom* if it were ſo again) Miniſters of the Goſpel were by nothing elſe diſtinguiſhed from other *Chriſtians*, but by their ſpiritual Knowledge, and Sanctity of Life, for which the Church elected them to be her Teachers and Overſeers, tho' not thereby to ſeparate them from whatever Calling ſhe then found them following beſides, as the Example of St. *Paul* declares, and the firſt times of *Chriſtianity*.

When once they affected to be called a *Clergy*, and became as it were a peculiar Tribe of *Levites*, a Party, a diſtinct Order in the Common-wealth, bred up for Divines in babbling Schools, and fed at the publick Coſt, good for nothing elſe but what was good for nothing, they ſoon grew idle; that Idleneſs, with Fulneſs of Bread, begat Pride, and perpetual Contention with their Feeders, the deſpiſed Laity, through all Ages ever ſince, to the perverting of Religion, and the Diſturbance of all *Chriſtendom*.

And we may confidently conclude, it never will be otherwiſe, while they are thus upheld undepending on the Church, on which alone they anciently depended; and are by the Magiſtrate publickly maintain'd, a numerous Faction of indigent Perſons, crept for the moſt part out of extreme Want and bad Nurture, claiming by divine Right and Freehold, the tenth

tenth of our Eſtates, to monopolize the Miniſtry as their *Peculiar*, which is free and open to all able *Chriſtians*, elected by any Church.

Under this Pretence, exempt from all other Employment, and enriching themſelves on the Publick, they laſt of all prove common Incendiaries, and exalt their Horns againſt the Magiſtrate himſelf that maintains them, as the Prieſt of *Rome* did ſoon after, againſt his Benefactor the Emperor; and the Preſbyters of late in *Scotland*. Of which hireling Crew, together with all the Miſchiefs, Diſſentions, Troubles, Wars, meerly of their kindling, *Chriſtendom* might ſoon rid herſelf and be happy, if *Chriſtians* would but know their own Dignity, their Liberty, their Adoption, and let it not be wonder'd, if I ſay their ſpiritual Prieſthood, whereby they have all equally Acceſs to any miniſterial Function, whenever called by their own Abilities and the Church, tho' they never came near Commencement or Univerſity.

But while Proteſtants, to avoid the due Labour of underſtanding their Religion, are content to lodge it in the Breaſt, or rather in the Books of a Clergyman, and to take it thence by Scraps and Mammocks, as he diſpenſes it in his *Sunday*'s Dole, they will be always learning and never knowing; always Infants, always either his Vaſſals, as Lay-prieſts are to their Prieſts, or at odds with him, as reformed Principles give them ſome Light to be not wholly con-

Heretofore, in the firſt Evangelical times (and it were happy for *Chriſtendom* if it were ſo again) Miniſters of the Goſpel were by nothing elſe diſtinguiſhed from other *Chriſtians*, but by their ſpiritual Knowledge, and Sanctity of Life, for which the Church elected them to be her Teachers and Overſeers, tho' not thereby to ſeparate them from whatever Calling ſhe then found them following beſides, as the Example of St. *Paul* declares, and the firſt times of *Chriſtianity*.

When once they affected to be called a *Clergy*, and became as it were a peculiar Tribe of *Levites*, a Party, a diſtinct Order in the Common-wealth, bred up for Divines in babbling Schools, and fed at the publick Coſt, good for nothing elſe but what was good for nothing, they ſoon grew idle; that Idleneſs, with Fulneſs of Bread, begat Pride, and perpetual Contention with their Feeders, the deſpiſed Laity, through all Ages ever ſince, to the perverting of Religion, and the Diſturbance of all *Chriſtendom*.

And we may confidently conclude, it never will be otherwiſe, while they are thus upheld undepending on the Church, on which alone they anciently depended; and are by the Magiſtrate publickly maintain'd, a numerous Faction of indigent Perſons, crept for the moſt part out of extreme Want and bad Nurture, claiming by divine Right and Freehold, the tenth

tenth of our Eſtates, to monopolize the Miniſtry as their *Peculiar*, which is free and open to all able *Chriſtians*, elected by any Church.

Under this Pretence, exempt from all other Employment, and enriching themſelves on the Publick, they laſt of all prove common Incendiaries, and exalt their Horns againſt the Magiſtrate himſelf that maintains them, as the Prieſt of *Rome* did ſoon after, againſt his Benefactor the Emperor; and the Preſbyters of late in *Scotland*. Of which hireling Crew, together with all the Miſchiefs, Diſſentions, Troubles, Wars, meerly of their kindling, *Chriſtendom* might ſoon rid herſelf and be happy, if *Chriſtians* would but know their own Dignity, their Liberty, their Adoption, and let it not be wonder'd, if I ſay their ſpiritual Prieſthood, whereby they have all equally Acceſs to any miniſterial Function, whenever called by their own Abilities and the Church, tho' they never came near Commencement or Univerſity.

But while Proteſtants, to avoid the due Labour of underſtanding their Religion, are content to lodge it in the Breaſt, or rather in the Books of a Clergyman, and to take it thence by Scraps and Mammocks, as he diſpenſes it in his *Sunday*'s Dole, they will be always learning and never knowing; always Infants, always either his Vaſſals, as Lay-prieſts are to their Prieſts, or at odds with him, as reformed Principles give them ſome Light to be not wholly con-

formable, whence infinite Diſturbances in the State, as they do, muſt needs follow.

Thus much I had to ſay; and I ſuppoſe, what may be enough to them who are not avariciouſly bent otherwiſe, touching *The likelieſt Means to remove Hirelings out of the Church*; than which nothing can more conduce to Truth, to Peace, and all Happineſs both in Church and State.

If I be not heard nor believed, the Event will bear me witneſs to have ſpoken Truth: And I in the mean while have borne my witneſs, not out of Seaſon to the Church and to my Country.

Theſe, Reader, are the Sentiments of this learned Writer, concerning Tithes *and* Hireling Miniſters, *to which we ſhall ſubjoin,*

Some

Some Extracts from the Answer to the Country Parson's Plea, &c. by a Member of the House of Commons, published in 1736; *the Author whereof observes,*

THAT the Word PROPERTY was never less warrantably used, than it had been in that Plea for Tithes.

The Tithes of the Clergy, *says he*, are the Wages, which, as Servants of the Publick, they receive from the Bounty of the Laws; and their Right in those Tithes arising purely from the *Grace*, their Remedy in suing for them must depend wholly on the *Will* of the legislative Power.

A Layman's Freehold accrues to him by Inheritance from his Father: A Churchman's Freehold accrues to him by the Gift of the Publick, on such Conditions, as are or shall be declared to qualify the Tenure of the Possession, or the Recovery of any Rights incident to it.

By Non-compliance with these Conditions, as declared in a single Act of Parliament, *i. e.* the last *Uniformity-Act*, thousands have been deprived in a Year, not only of their Tithes, but their Churches, with the high Approbation of all zealous Churchmen. And I must say, for the Reputation of the Sufferers in that case, that as sensible as they were of their Hardships, they had greater Modesty than to

call that a *Property* which they knew to be only a *Truſt*.

Nor would it have been endured; and much leſs, that knowing their Poſſeſſions to be held of this publick Donation, they ſhould have had the Inſolence to treat any Intereſt incident to their Poſſeſſion, as a matter of *Property*, not belonging to the Diſpoſition of Parliament. Every private Intereſt, even Rights of Inheritance, muſt be governed by the Conſideration of publick Intereſt. *Salus populi ſuprema Lex.*

And, nothing can be more inſolent or incongruous, than to challenge the Donations of the Publick, as a Property not to be reformed for the Convenience of the Publick.

No free State, no wiſe People, ever ſuffered ſuch a Doctrine to paſs unreproved. The *Agrarian* Laws of the ancient Republicks, in direct Contradiction to it, ordained the equal Diſtribution of Lands, and reformed the Grievance of *exceſſive Property*, by limiting and reſtraining the Poſſeſſions of their Subjects. —— The Laws of *England* are not without the ſtrongeſt Declarations of the ſame Wiſdom in our Legiſlators; the Reformers of our Church, to their Honour be it ever remember'd, were the Men who avowed this Power of retrenching enormous Property to be the Prerogative of Parliament. ——

After

After quoting part of the Acts of Henry *the 8th, for taking away* Peter-pence, *and ſuppreſſing of Monaſteries, the Author proceeds.*

Who ever reads theſe Acts, will find, 1. That the Regulation of Eccleſiaſtical Property is ſo far from contradicting, that nothing can be more natural to the Genius of this free Kingdom. 2. That ſuch Regulation of Property in the Church, is the only means by which any People can obtain a Reformation of Religion. 3. That the Parliament of this Kingdom, in diveſting the Church of thoſe Impropriations of Tithe, did not allow Churchmen to have any *Property in Tithe.* And, 4. That if the Legiſlature now in being, proceeding in the ſame courſe as our firſt Reformers, ſhould think it expedient to aboliſh *all Tithe* remaining in the Church, or to convert it into Lay-fees, they could not want a full and proper Warrant from the Acts of their Predeceſſors, ſo long as the Acts for Non-payment of *Peter-pence*, and for ſuppreſſing of Monaſteries, ſhall remain in the Statute-books. ——

The Allegation of the Clergy's *Birth-right in the Law*, as applicable to the Affair of Tithes, would make a Stranger imagine, that either they were born with the indelible Character upon them, or that every Prieſt had Inſtitution and Induction of a Benefice, even in his Mother's Womb.

If the Tithes, if the Dues, if the Maintenance, which is now paid to the Clergy, were entirely taken away, they would loſe no Birthright they have in the Law; they might loſe the Benevolence which they receive from the Law, and which the Legiſlature have the ſame Right to reſume, as ever they had to eſtabliſh, if the ſame Reaſon which induced the Grant ſhould require the Reſumption; if publick Good ſhould call upon them to reverſe what their Anceſtors conſented to from no other Conſideration. ———

This prodigious Uſurpation upon the Property of Mankind, makes the * Bill before us the more abſolutely neceſſary, and moves all Indignation againſt the Parſon, who ſuggeſts, *That the Bill will encourage the* Quaker *in ſetting up Right upon the Plea of Conſcience to another Man's Eſtate.*

I ſaid to myſelf, Doth not the Country Parſon appeal to every Man's Conſcience, when he demands Tithe of *divine Right?* When he claims it as a *Duty to God?* And muſt he not ſo far allow the *Quaker*'s Conſcience to decide?

But, ſays the Parſon, *I wiſh the* Quaker's *Conſcience could be examined in this Point. Is he* a Land-owner? *Let him be aſked, upon his Conſcience,*

* A Bill then depending in Parliament relating to *Tithes.*

Conſcience, whether he paid any Conſideration to the Vender of the Land beyond the uſual Price, and upon a Suppoſition that no Tithes would be due from his Land. Is he a Farmer? *Let him be aſked, whether he pays more Rent than a Churchman uſed to give for the Farm, and in Conſideration of his paying no Tithe. If he cannot ſay that he either bought or hired the Tithe (and he can ſay neither) what Title hath he to it?*

I muſt here obſerve, that the Country Parſon lays down a *Law of Property* by this Examination of the *Quaker*'s Conſcience; —— A Propoſition, that if any Burthen upon Land ſhall continue till it leſſen the Value of our Lands, it then becomes a Property in the Uſurpers, and the Landed-men ſhall never be diſcharged, becauſe all ſubſequent Purchaſes are made with the Conſideration of ſuch an Incumbrance upon the Land.

There are three remarkable Caſes in our Hiſtory, which will fall under this Propoſition.

1. The ancient *Rome-ſcot* or *Peter-pence*, was a Penny charged upon every Houſe by *Ina*, King of the *Weſt-Saxons*, being at *Rome* in Pilgrimage, *Anno* 720, and by *Offa*, King of the *Mercians*, *Anno* 794, to ſuſtain the *Engliſh* School there: It amounted to 300 Marks and a Noble yearly for the whole Realm, and was paid to the See of *Rome* on the Feaſt of St. *Peter ad Vincula*, being the firſt Day of *Auguſt*,

till it was aboliſhed by Parliament, 25 *Hen.* 8, *Anno* 1534.

2. The ancient *Dane-gelt* was a Tribute of one Shilling, and afterwards of two Shillings, upon every Hide of Land; originally levied for clearing the Seas of *Daniſh* Pirates, or for purchaſing Peace of them, as by *Ethelred*, who raiſed for this purpoſe firſt 10,000 *l.* next 16,000 *l.* then 36,000 *l.* and laſtly 48,000 *l.* *Edward* the Confeſſor releaſed this Tax. It was levied again by the Conqueror, and by *W. Rufus*; but it was again releaſed by *Hen.* 1, and finally by King *Stephen.*

3. The ancient Subſidy given from Year to Year by Parliament, was uſually, as in the 14th of *Edw.* 3. *Stat. cap.* 18. *The Prelates, Earls, Barons, and all the Commons of the Realm, grant to the King the ninth Lamb, the ninth Fleece, the ninth Sheaf, and of Cities and Boroughs, the very ninth part of all their Goods and Chattels, to be taken by two Year to come.*

Numerous Inſtances of the like Subſidies may be ſeen in *Raſtal*'s Abridgement.

Now in all theſe Caſes, *viz.* 1. In the Caſe of *Peter-pence*, which continued a Rent-charge on Houſes for the Space of 800 Years. 2. In the Caſe of *Dane-gelt*, which continued a Rent-charge upon Land for the Space of 300 Years. And, 3. In the Caſe of the ninth part of the Produce

Produce of Land, and the ninth part of the Subjects Goods, which continued very long the uſual Subſidy to the Crown; the Value of the Lands of *England* became impaired by reaſon of the Charge, and every Purchaſer paid a leſs Price whilſt ſuch Incumbrance continued upon them.

But would our Anceſtors have ſuffered either the Pope or the Crown to examine the Conſciences of the People of *England*, in the abſurd manner of this Country Parſon? would it have been endured either to ſet up a Right in Conſcience to the Perpetuity of *Peter-pence*, or *Dane-gelt*, becauſe every modern Purchaſer had bought his Houſe or Land the cheaper, by reaſon of ſuch Burthen upon them?

Doubtleſs the ſame Queſtions might have been aſked in the Caſe of *Peter-pence* and of *Dane-gelt*, as in the Caſe of Tithe, and the ſame Anſwers muſt have been returned.

But the Parſon aſks further, *If you bought your Lands and Tenements with theſe Incumbrances upon them, what Right have you ever to be freed from them?*

I anſwer, that I have the Right of a free Subject, to enjoy the Produce of his own Labour; the Right of an *Engliſhman*, to enjoy his own Poſſeſſion free and clear of all unreaſonable Incumbrances; and my Title to the incumbred

incumbred part of my Eſtate is ſo far good, as any other Man's Title to it is bad. If I buy an Eſtate with a Rent-charge, an Annuity, or a Mortgage upon it, and theſe Incumbrances ſhall be conſidered in the Purchaſe; yet if afterwards it appears that the Perſons claiming this Rent-charge, this Annuity, or this Mortgage, never had any juſt Right therein; am I bound to make their bad Title good in Law or Conſcience, becauſe I bought the Eſtate cheaper, on Suppoſition that they had lawful Incumbrances upon it?

In the Poſſeſſion of Land, I am in the Condition of the *prime Occupant*. I am not bound to ſhew my Title to any Man; I am not bound to ſhew that I bought it, or inherit it. It is ſufficient that I poſſeſs it, unleſs he can ſhew a prior or better Right to it. And whether I bought my Freehold cheaper or dearer, I am by Law and Conſcience intitled to hold it as free and clear, as if I had held it from the Creation of the World.

If when the ancient Subſidy of a ninth part had gained Eſtabliſhment by courſe of time, the Purchaſe of Lands became cheaper by reaſon of this Exaction, would not the Crown have had an Eſtate of Perpetuity in the ninth Lamb, the ninth Fleece, the ninth Sheaf, and the ninth part of the Goods of all the Subjects, by the ſame Rule of Conſcience as the Clergy claim an Eſtate in the TENTH? Becauſe the Continuance

Continuance of the Uſurpation had lower'd the Rents of all the Lands.

This Doctrine of gaining an Eſtate in Perpetuity through any Impoſition upon Land, which by Length of Time makes the Value of it leſs in ſubſequent Alienations, and by pretended Equity, the Intereſt in it leſs to all new Purchaſers, is of dangerous Conſequence to the whole LANDED INTEREST of this Kingdom. It eſtabliſhes a Right ſome where in a PERPETUAL LAND TAX; becauſe within forty or fifty Years time, ſince the Land hath borne this Charge, the Value of Land hath diminiſhed in proportion; and two-thirds of the Lands of *England*, having within that time, by Purchaſe or Exchange, paſſed into the hands of new Owners, (as may poſſibly be the caſe of all our Lands before this Tax can be releaſed) therefore the Land-owner, who bought his Land ſubject to the uſual Land-tax, ſhall in Equity and Conſcience be for ever liable to pay two, three, or four Shillings in the Pound, by reaſon of his having bought the Land cheaper.

And the Country Parſon ſhall aſk him thoſe ſubtle Queſtions, *Is he a* Land-owner? *Let him be aſked upon his Conſcience, whether he paid any Conſideration to the Vender of the Land beyond the uſual Price, and upon Suppoſition that no Land-tax would be due from his Land. Is he a* Farmer? *Let him be aſked upon his Conſcience, whether he pays more Rent than uſed to be given for*

for the Farm, and in Conſideration of his paying no Land-tax; if he cannot ſay, that he either bought or hired the Land-tax, (and he can ſay neither) what Title hath he to it? And therefore there muſt be another Owner who hath a juſt Title to it.

From Rules of Property and Rights of Eſtate, ſuch as this Country Parſon would eſtabliſh, it muſt follow, that no Uſurpation on the Lands of a Kingdom could ever be reſumed conſiſtently with Conſcience; that the Foundations of Eccleſiaſticks in the Church of *Rome* itſelf ought not to be taken away, becauſe the Prieſts have the legal Eſtate veſted in them; that the Impoſitions of arbitrary Power become matter of Right in Perſons who can work the ancient Land-owners out of their Inheritances; and that if SHIP-MONEY had been exacted for a length of Time, till the Value of all our Lands had ſunk under the Exactions, new Purchaſers would have had no Right to have been eaſed of the Burthen, becauſe they would have bought the Land charged with it, and cheaper by reaſon of it.

In ſhort, ſuch Conſequences are unavoidable from this Part of the Country Parſon's Plea, that were he to ſhew himſelf in his proper Figure, ſpeaking in this manner againſt the Right of the People of *England* to enjoy their own Lands, an impeaching Parliament might probably charge him as an *Enemy to Property*; *a Betrayer*

a Betrayer of the Rights and Liberties of the People; advancing *falſe Doctrines of dangerous Conſequence to the Conſtitution of the Kingdom, and which tend to ſubvert the Proteſtant Religion, to obſtruct all Reformation in the* Chriſtian *Church, to revive* Popery *and* popiſh *Foundations, and to ſubject the Commons of this Realm to the Yoke of enormous eccleſiaſtical Power.*

Leaving him to the Diſcipline of ſuch national Juſtice whenever it ſhall find him —— I totally deny him, or any Perſon living, to poſſeſs any Eſtate in the Land, by reaſon of its having been lower'd in Value, through an unjuſt Impoſition; I conceive his Claim of Tithe to have no other Foundation in Law or Conſcience, than *Peter-pence* had before it was aboliſh'd by Act of Parliament; I conceive them both to have been Uſurpations of the ſame Nature, which grew and obtain'd in the times of Darkneſs and Devotion, through the Craft of a mercenary Clergy, and the Superſtition of a blind deluded Laity: I likewiſe apprehend, that as the Wiſdom of Parliament utterly aboliſh'd the one, becauſe it impoveriſhed the Kingdom, ſo the Repreſentatives of the People have not only a Right, but are bound in Duty to moderate the other, whenever it ſhall be exorbitant in its Amount, or oppreſſive in its Exactions. But,

Becauſe the Eſtate of the Clergy in Tithe, is ſo much inſiſted on as their Right in *Conſcience*,

it

it may be fit to enquire, on what Conſideration they had their original Grants? The Confirmation of King STEPHEN is an Evidence of this kind, the Preamble to which is as follows, *viz.*

BECAUSE *through the Providence of divine Mercy we know it to be ſo ordered, and by the Churches publiſhing it far and near, every Body hath heard, that by the Diſtribution of Alms, Perſons may be abſolved from the Bonds of Sin, and acquire the Rewards of heavenly Joys; I* STEPHEN, *by the Grace of God, King of* England, *being willing to have a Part with them, who by an happy kind of Trading, exchange heavenly Things for earthly; and ſmitten with the Love of God, and for the Salvation of my own Soul, and the Souls of my Father and Mother, and all my Forefathers and Anceſtors,* (confirm Tithes and other Donations to the Church.)

After ſuch a Specimen as this, I cannot have the leaſt Doubt, that Eſtates given under ſuch Conſiderations, are of ALL OTHERS, the moſt proper for the Diſpoſition of Parliament. ——

Towards the Concluſion of the Diſſertation, the Author replies to what his Antagoniſt had urged againſt with-holding Tithes, from two Statutes of Hen. *the 8th. wherein they who do ſo are ſtiled* evil-diſpoſed Perſons. Not regarding their Duties to *God* and the

the King; acting of an ungodly perverſe Will and Mind, &c.

If it be urged as the Senſe of thoſe times concerning Non-payment of Tithe, will the Parſon allow me to cite other Statutes made about the ſame time, as the Senſe of the Law-makers upon other Eccleſiaſtical Pretenſions.

I fear, the Senſe of Parliament hath very little weight with the Clergy, when it is not on the Side of their Ambition; and therefore I may not perhaps hold it concluſive, when, influenced by their ungodly Management, it lets them looſe to defame and damn their Enemies, as *Enemies to God and the King*.

The Statute of the firſt Year of *Edward* the 6th. cap. 2. declares, *That Elections of Archbiſhops and Biſhops, by Deans and Chapters, are as well to the long Delay, as to the great Coſts and Charges of ſuch Perſons whom the King gives any Archbiſhoprick or Biſhoprick unto, and that the ſaid Elections be in very deed no Elections, but only by a Writ of* Conge D'elire, *have Colours, Shadows, or Pretences of Elections, ſerving nevertheleſs to no Purpoſe, and ſeeming alſo derogatory to the King's Prerogative Royal.*

This Act of Parliament, though not held at preſent to be in force, doth certainly ſhew the Senſe of our Anceſtors on the Subject of electing Biſhops.

Will

Will the Clergy allow us to ſpeak of their pretended Elections of Biſhops in the Terms of this Act of Parliament? No——it is againſt divine Right. If then they will not allow the Inſtitution of Biſhops to be tied down to the Preface of a Law made in *Edward* the ſixth's time, will they tie every Man down, in the Equity of Tithes, to the Preface of a Law made in *Henry* the eighth's time?

I truſt in the Right of an *Engliſh* Subject, that we ſhall not be reſtrained from a larger Conſideration of ſo important an Affair, and that neither our Duty to God or the King ſhall be queſtioned, for no better Reaſon than our Difference of Sentiments in the Affair of Tithes.

I reverence an Act of Parliament as much as any Man living. It is the Act of that Power which we are all bound to truſt and obey. But I am not ſo far concluded by an Act of Parliament, that I ought either to believe implicitly whatever it declares, or not to ſollicit the Repeal of what it may enact. And I cannot but obſerve,

1. That when *Henry* the eighth, unravelling his own Reformation, went retrograde into the worſt meaſures of *Popery*, he paſt the Act of the *ſix Articles* in his 31ſt Year, wherein he eſtabliſhed *Auricular Confeſſion* and *Tranſubſtantiation*. And,

2. That

2. That in his next Year he paſt the Act for the *Payment of Tithes*, wherein is the famous Expreſſion, of Perſons *not regarding their Duty to God and the King.*

If therefore *Tithes*, *Tranſubſtantiation*, and *Auricular Confeſſion*, are of the ſame Growth and Family, we ſhall find that the ſame Reaſoning from Acts of Parliament, which makes the *Payment of Tithes a Duty to God and the King*, by the Statute of 32 *Hen.* 8. would as forcibly prove *Tranſubſtantiation* and *Auricular Confeſſion* to be Articles of Faith fit for a *Chriſtian* to believe in, becauſe they are ſo declared by the Statute of 31 *Hen.* 8. which impoſed thoſe * *ſix Bloody Articles*, famous in the Story of thoſe times. And,

To ſay that the Act of the *ſix Articles* is repealed, but that the *Tithe Act* is ſtill in force,

* 1ſt. If any ſhould deny the real Preſence of the Body of *Chriſt* in the Sacrament, he ſhould be burned.

2d. If any deny the Sacrament to be ſufficient under one Species.

3d. Or hold it lawful for Prieſts to be married.

4th. Or that Chaſtity vowed was not to be kept.

5th. Or that private Maſſes ought not to be celebrated:

6th. Or that Auricular Confeſſion was not expedient; they ſhould be hanged.

This Law, ſays the Hiſtorian, *was the Deſtruction of Multitudes.*

would make the matter infinitely ridiculous; for, —— This would ſuppoſe that our *Duty to God*, or our *Faith in Chriſt*, depends altogether on the Exiſtences and Duration of Acts of Parliament: So that it may be a *Duty to God*, or not a *Duty to God*; an *orthodox Creed*, or not an *orthodox Creed*, as different Parliaments happen to be of different Opinions.

If the Country Parſon is diſpleaſed that ſuch Abſurdities ſhould be laid at his door, he ſhould be leſs forward to preſs the Senſe of our Anceſtors, and Authorities out of the Statute-books, in Proof of ſuch Points as *Duties to God*, wherein every Man may take the Bible and his own Conſcience to be ſafer Guides than any Act of Parliament.

If he is diſpleaſed that the Senſe of our Anceſtors, and Authorities out of the Statute-books, ſhould be urged in Support of the Rights of the Laity, againſt the Uſurpations of the Clergy, I muſt tell him, that to protect the People from Injuſtice, is the proper and eſſential Care of Parliament, but that to define *Duties to God*, is beyond the Bounds of human Authority; and tho' Parliaments may ſpecify what Doctrines Clergymen ſhall teach, yet they cannot require *any Man to believe them*, becauſe though the Parſon is the Servant of the legiſlative Power, yet every Man is Maſter of his *own Conſcience*.

Our

Our *Duty to God*, as to the Payment of Tithes, is thereof in every reſpect as queſtionable, and as conſcientiouſly to be denied, as if thoſe Laws had never been enacted. And,

The Payment of Tithes, as a *Duty to God*, being denied by the *Quakers*, and by almoſt all other Men; —— The common Good can be the only juſtifiable Reaſon for impoſing it as a common Charge. ——

The Country Parſon hath a Conceit, that this * Bill is the only Inſtance of an Application to any Government, in the known World, to countenance an Opinion deſtructive to the Property of any of the Subjects. But ſurely, if it be his Conception, he is wrong, vain, and unwarrantable.

That Lands held in *Mortmain*, or that the Stagnation of Property in dead Hands, is contrary to the Good of the Kingdom, hath been the Opinion of our Parliaments, and the Principle of our Laws, ever ſince the Foundation of this Government, however deſtructive it muſt be to what Churchmen call their Property. But farther,

That the *Quakers* hold the Maintenance of the Clergy to be antichriſtian and unreaſonable,

* The *Tithe-bill*.

able, is fact; —— That any Sect ſhould account it a ſufficient Charge upon them to maintain their own Teachers, is but Reaſon. And, —— That the *Quakers*, who pay nothing at all to their own Teachers, ſhould be obliged to maintain the Teachers of any other Sect is to them not only an Hardſhip, but an Abomination.

---

20 AP 57

F I N I S.